Planning Commission
MEETING AGENDA

Thursday, June 20, 2024 - 1:00 PM
Council Chambers, Easton Town Office
14 S Harrison Street

1. **Call to Order**

2. **Approval of Minutes**

   a. Approval of the Decision Summary from the May 16, 2024 meeting.

3. **Old Business**

4. **New Business**

   a.

Applicant:	Willow Construction, LLC
File No.:	2024 - 1189
Location:	7741 Ocean Gateway - Hertrich GMC Buick Tax Map 0107, Grid 0000, Parcel 2783, Lot 7
Zoning District:	CG
Request:	Conceptual approval for reconstruction to the interior and exterior of the existing 14,700 square foot unoccupied car dealership.

5. **Discussion Item**

   a. Annual Report.

   b. Potential Revisions to the Zoning and Subdivision Text Amendments.

   c. Continued discussion of the Inclusionary Zoning Ordinance.

   d. Window design related to the mitigation of bird collision.

6. **Adjournment**

Town of Easton Planning Commission
Draft Decision Summary
Thursday, May 16, 2024 at 1:00 p.m.
Town Hall Chamber 2
14 S. Harrison Street, Easton, Maryland

Archived video of the meeting is available at:
Town of Easton Agendas and Minutes (eastonmd.gov)

Attendance:

Commission Members:
Philip Toussaint, Vice Chairperson
Tom Klein
William Ryall
Michael Ports, Alternate

Absent:
Commission Members:
Jennifer Dindinger, Chairperson
Victoria McAndrews

Staff:
Lynn B. Thomas, Town Planner
Joseph Mayer, Plan Reviewer
Nicholas Johnson, Planner
Sierra Clem, Engineering Technician
Samantha Smith, Administrative Specialist

Staff:
Miguel Salinas, Planning and Zoning Director
Sharon Van Emburgh Esq, Town Attorney
Rick Van Emburgh, Town Engineer

1. **Call to Order** — Vice Chairperson Toussaint called the meeting to order at 1:00 pm.

2. **Decision Summary Review** —
   a. April 18, 2024 - The Commission noted the following correction to the draft decision summary:

      i. Line 309: Edit to public comment record for accuracy.

Commissioner Ryall moved to approve the April 18, 2024 Decision Summary with amendments. Commissioner Ports seconded the motion.

Vote	4 - 0 - 2
FOR:	4 - Toussaint, Klein, Ports, Ryall
AGAINST:	0
ABSTAIN:	0
ABSENT:	2 - Dindinger, McAndrews

3. Old Business

a. Applicant: **Shore Health System / University of Maryland Medical System**
File No.: **2023 - 1027**
Location: Longwoods Road, Parcel 0129, Easton, MD 21601
Tax Map 0017, Grid 0023, Parcel 0129
Zoning: RH
Request: The applicant is seeking approval for a general signage plan for the temporary placement of a 10' x 20' construction site sign, and a 4' x 8' sign in the RH District.

Staff recommends the following condition:

1. Prior to the removal of the temporary construction site signs, the applicant is required to obtain approval from the Planning and Zoning Commission for an amendment to the General Signage Plan that depicts the permanent placement of signs.

Staff Presentation:
Joseph Mayer, Plan Reviewer

Applicant Presentation:
Ryan Showalter, *Esq*. MDSW LLC

Public Comment — None

Public Comment Written — None

Commissioner Klein moved to approve the signage plan request to place one (1) 10' x 20' sign along Route 50, and one (1) 4' x 8' sign along Route 622 subject to the following condition:

1. **Prior to the removal of the temporary construction site signs, the applicant shall obtain approval from the Planning and Zoning Commission for an amendment to the General Signage Plan that depicts the permanent placement of signs.**

Commissioner Ryall seconded the motion.

Vote	4 - 0 - 2
FOR:	4 - Toussaint, Klein, Ports, Ryall
AGAINST:	0
ABSTAIN:	0

ABSENT: 2 - Dindinger, McAndrews

b. Applicant: Far Eastern Shore Winery
File No.: 2023 - 0989
Location: 8374 Ocean Gateway, Easton, MD 21601
Tax Map 0103, Grid 0EA, Parcel 2952
Zoning: CG
Request: The amendment to a previously approved signage permit for a multi-building property at 8374 Ocean Gateway has been withdrawn from the May 16, 2024 Planning Commission agenda.

c. Applicant: Corrigan & Trippe Ventures, LLC
File No.: 2024 - 1115
Location: East Side of Ocean Gateway, South of Dutchmans Lane, Easton, MD 21601
Tax Map 0034, Grid 0024, Parcels 0128 & 0175
Current County Zoning: TC/TR
Requested Town Zoning: R-10A
Request: The applicant is seeking Annexation of 17.329 acres of property located on the easterly side of the public known as Ocean Gateway, and southern side of Dutchmans Lane, Easton, Maryland, Tax Map 0034, Grid 0024, Parcels 0128 & 0175 with a formal recommendation to the Town Council which will include findings as to the request's consistency with the Comprehensive Plan, as well as a formal recommendation concerning the Annexation and the proposed Zoning Classification of R-10A to the property.

Staff Presentation:
Joseph Mayer, Plan Reviewer
Lynn Thomas, Town Planner

Applicant Presentation:
Zachary A. Smith, *Esq*. Armistead, Lee, Rust & Wright, P.A.

Public Comment:
Drake Ferguson, 7254 Doral Court
Elizabeth Ferguson, 7254 Doral Court
Catherine Wilson, 29726 Lyons Drive
Becky Allen, 7567 Ocean Gateway
Ashley Guillen, 7511 Ocean Gateway
Tom Alspach, Talbot Preservation Alliance
Kathryn Kemp, 7254 Doral Court
Lynn Randall, 24716 Lyons Drive
Jim Bent, Affordable Housing Board

Public Comment Written:
Orville & Becky Allen, 7567 Ocean Gateway

Angie Jones

Commissioner Klein moved to forward a favorable recommendation to the Town Council for the annexation of the 17.329 acre parcel of land with the following determinations:

1. **The proposed Annexation request is consistent with the Town's Comprehensive Plan.**

2. **The Commission recommends the assignment of the R-10A Residential Zoning classification to the annexed parcels.**

Commissioner Ports seconded the motion.

Vote	3 - 1 - 2
FOR:	3 - Toussaint, Klein, Ports
AGAINST:	1 - Ryall
ABSTAIN:	0
ABSENT:	2 - Dindinger, McAndrews

4. New Business

a. Applicant: Lane Engineering, LLC
File No.: 2024 - 1182
Location: 139 N. Washington Street, Easton, MD 21601
Tax Map 0104, Grid 0EA, Parcel 0612
Zoning: CB
Request: The applicant is seeking sketch subdivision approval as well as a recommendation to the Town Council regarding a PUD Infill request to construct twenty-four (24) four-story townhomes, and nine (9) single-family detached dwellings with associated parking, stormwater management facilities, and landscaping. The applicant also indicated that the project would provide private solid waste removal services. At their May 13, 2024 meeting, the Town of Easton Historic District Commission granted a Certificate of Appropriateness for the demolition of a non-contributing building (the former Safeway building), and the subsequent construction of the 33 total units.

Staff recommends the following conditions:

1. The applicant will need to coordinate with the Town Engineer and State Highway Administration to obtain approval of the Traffic Impact Study.

2. The applicant shall address all prior Easton Staff Development Review (ESDR) comments intended to be completed during the Preliminary Site

Plan review.

Staff Presentation:
Joseph Mayer, Plan Reviewer
Lynn Thomas, Town Planner

Applicant Presentation:
Ryan Showalter, *Esq*. MDSW LLC
Brett Ewing, Lane Engineering LLC
Jarret Beyer, Lane Engineering LLC
Robbie Miller, Miller Development
Maurice Walters, Maurice Walter Architecture

Public Comment:
Lisa Stone, 204 Brookletts Avenue
Joseph Minarick, 128 S. Harrison Street
Lynn Mielke, 28415 Pinehurst Circle
Alice Carr, 107 Brookletts Avenue
Tom Alspach, Talbot Preservation Alliance

Public Comment Written — None

Commissioner Ports moved to approve the sketch subdivision plan, and to forward a favorable recommendation to the Town Council regarding approval for the PUD Infill request with findings consistent with the Town's Comprehensive Plan subject to the following conditions:

1. **The applicant shall coordinate with the Town Engineer and State Highway Administration to obtain approval of the Traffic Impact Study.**

2. **The applicant shall address all prior Easton Staff Development Review (ESDR) comments intended to be completed during the Preliminary Site Plan review.**

Commissioner Ryall seconded the motion.

Vote	4 - 0 - 2
FOR:	4 - Toussaint, Klein, Ports, Ryall
AGAINST:	0
ABSTAIN:	0
ABSENT:	2 - Dindinger, McAndrews

b. Applicant: **Davis, Bowen & Friedel, Inc.**
File No.: **2024 - 1156**
Location: 28640 Mary's Court, Easton, MD 21601
Tax Map 0025, Grid 0022, Parcel 0046, Lot 14

Zoning: BC

Request: The applicant is requesting a supplemental parking waiver from the minimum required off-street parking spaces. The applicant is proposing to provide 138 parking spaces. The current Code requires 195 parking spaces. This application (SE -1156/ SE 24-04) is scheduled to appear on the May 21, 2024 Board of Zoning Appeals agenda to obtain a Special Exception pursuant to use 304 in Table 2.1 of Section 28-201 of the Zoning Ordinance, to be utilized as a Fire, Rescue, or Police Station in the BC - Business Commercial Zoning district. The Talbot County Sheriff's Office and the Talbot County Department of Emergency Services intend to relocate their offices to this newly improved facility.

Staff recommends the following condition:

1. The applicant is required to obtain approval from the Board of Zoning Appeals to obtain a Special Exception pursuant to use 304 in Table 2.1 of Section 28-201 of the Zoning Ordinance, to be utilized as a Fire, Rescue, or Police Station.

Staff Presentation:
Joseph Mayer, Plan Reviewer
Lynn Thomas, Town Planner

Applicant Presentation:
Robert J. Duma, P.E. Davis Bowen & Friedel, Inc.
Jean Weisman, Talbot County Department of Public Works
Brian Lecates, Director of Talbot County Emergency Services
Captain Steve Elliott, Talbot County Sheriff's Office

Public Comment — None

Public Comment Written — None

Commissioner Klein moved to approve the waiver request as submitted. Commissioner Ports seconded the motion.

Vote	4 - 0
FOR:	4 - Toussaint, Klein, Ports, Ryall
AGAINST:	0
ABSTAIN:	0
ABSENT:	2 - Dindinger, McAndrews

Vice Chairperson Toussaint called for a brief recess at 3:20 p.m. The meeting was called to Order at 3:27 p.m.

c. Applicant: Rauch Inc.
File No.: 2024 - 1178
Location: 521 August Street, Easton, MD 21601
Tax Map 0103, Grid 0EA, Parcel 1028
Zoning: CB
Request: The applicant is seeking sketch site plan approval for the development of a 2-story mansion apartment building comprising 3,330 square feet (SF) of gross floor area (GFA) with a total of seven (7) units with associated site improvements including permeable pavers, and a SWM planter box to provide stormwater management. At their January 22, 2024 meeting, the Historic District Commission granted a Certificate of Appropriateness for the proposed redevelopment plan.

Staff Presentation:
Joseph Mayer, Plan Reviewer
Lynn Thomas, Town Planner

Applicant Presentation:
Zachary A. Smith, *Esq*. Armistead, Lee, Rust & Wright, P.A.
Virginia Richardson, Rauch Inc.

Public Comment:
Ian Williams, 517 August Street
Joseph Minarick, East End Neighborhood Association

Public Comment Written — None

Commissioner Ryall moved to approve the sketch site plan as submitted. Commissioner Klein seconded the motion.

Vote	4 - 0
FOR:	4 - Toussaint, Klein, Ports, Ryall
AGAINST:	0
ABSTAIN:	0
ABSENT:	2 - Dindinger, McAndrews

d. Shore Health System / UMMS Water and Sewer Service Plan — Mr. Ryan Showalter Esq. was present on behalf of Shore Health System (Applicant) with a proposed amendment to the existing Development Rights and Responsibilities Agreement (DRRA) pursuant to the development of the new Shore Health System Hospital. The current 2014 DRRA includes a significant amount of detail associated with the extension of infrastructure which serves the property. The amendments in this revision include deletions to much of the language involving facilities and infrastructure that have since become outdated. These provisions which are detailed to assign infrastructure commitments and responsibilities in the

first phase of development are to be addressed in a separate Public Works Agreement. The amendment also includes an extension of the term of the DRRA from when the original DRRA was recorded in 2014. The Applicant requests for the 30 year term to be extended from the date which the DRRA amendment is signed to assure that consistent zoning is vested. Mr. Showalter attested that this amendment will better serve the rights and interests of both the developer and the Town; and asked for the Commission to determine pursuant to Section 28-1504 of the Zoning Code that this amended DRRA is consistent with the Comprehensive Plan and to forward a favorable recommendation to the Town Council.

Public Comment — None

Public Comment Written — None

Commissioner Klein moved to forward a favorable recommendation to the Town Council regarding approval for the amended Developer's Rights and Responsibilities Agreement with findings consistent with the Town's Comprehensive Plan. Commissioner Ryall seconded the motion.

Vote	4 - 0
FOR:	4 - Toussaint, Klein, Ports, Ryall
AGAINST:	0
ABSTAIN:	0
ABSENT:	2 - Dindinger, McAndrews

5. Discussion Items

a. Potential Revisions to the Zoning and Subdivision Text Amendments — The ongoing discussion of potential revisions to the Zoning and Subdivision Text Amendments was tabled to a future Planning Commission meeting.

6. Adjournment — Commissioner Ryall moved to adjourn. Vice Chairperson Toussaint seconded the motion. The meeting was adjourned at 4:11 p.m.

TOWN OF EASTON

Planning & Zoning Department
14 South Harrison Street
P.O. Box 520

Date of Meeting: June 20, 2024

4a

STAFF MEMORANDUM

TO:	Easton Planning and Zoning Commission
FROM:	Joseph Mayer, Plan Reviewer
DATE:	June 7, 2024
SUBJECT:	**Architectural approval to convert the existing car dealership/auto repair building into a Kia Dealership**
ZONED:	Commercial General District (CG)

Hertrich Properties XIII LLC % Al Guckes, requests architectural approval at their site on 7741 Ocean Gateway (Southeast corner of Ocean Gateway and Erickson Drive) for a Hertrich Kia Dealership. In summary, the original 14,700 square foot unoccupied car dealership, constructed in 1999, will undergo interior and exterior renovations. The Applicant is requesting architectural approval from the Planning Commission for their updated exterior building facade.

The Applicant will need to coordinate with the Building Inspection Division for all applicable permits prior to installing the new exterior architectural changes, additional ADA parking spaces, potential updated signage and lighting, and interior new finishes. This application is for architectural approval only; most of the elements of site plan review do not apply as the site layout and improvements are not changing. The majority of the exterior work focuses on the

outer facade. Item #11 of the sketch site plan review thus comes into play. It states (that a sketch site plan submission shall consist of):

11. Conceptual building elevations or renderings illustrating the character, scale, and materials of all proposed structures. Such elevations or renderings shall be sealed by a licensed professional as described above. Architecture should be in conformance with the Comprehensive Plan and Architectural Guidelines adopted by the Planning Commission.

The primary architecture-related guidance provided by the Comprehensive Plan for this circumstance can be found in Design Principle #5 in the Community Character Chapter (see pages 101-106), which is "Architecture Should Respect Easton's Historical Development." The most applicable statement is found at the very beginning of the second paragraph: "One thing that is clearly not welcome in Easton is generic, corporate franchise architecture." This sentiment has guided Town review of commercial architecture since the 1997 Plan.

RECOMMENDED CONDITIONS:

Staff recommends the Planning Commission approve the application with the following condition:

- The Applicant is required to address all ESDR review comments and obtain applicable permits.

DRAFT MOTIONS:

1. I move that the Planning Commission approve the application subject to staff's Condition of Approval.

OR

2. I move that the Planning Commission forward the application to the July 18th Commission meeting for further discussion.

OR

3. I move an alternate motion.

ATTACHMENTS:
1. 2024.04.17 Kia Easton - Concept Elevations v1.3 - 2023.10.18, paper copy & PDF
2. 2024.04.17 MD055 A2 FURN AND FIXTURE PLAN, paper copy & PDF
3. 2024.04.17 MD055 Hertrich Kia - Exterior View, paper copy & PDF
4. 2024.05.23 ESDR Determination Letter & Application, paper copy & PDF
5. 2024.05.28 HERTRICH KIA-Arch-SITE PLAN, paper copy & PDF

TOWN OF EASTON
Planning & Zoning Department
14 South Harrison Street
P.O. Box 520
Easton, Maryland 21601

Easton Staff Development Review Worksheet

Date: May 23, 2024
Project: 7741 Ocean Gateway - Hertrich GMC, Buick and Kia
To: Mr. Shaquille Turner, Willow Construction, LLC
CC: Mr. Al Guckes, Hertrich Properties XIII, LLC

The Easton Staff Development Review (ESDR) Committee meeting was held on May 22nd at 11:00 am. Staff reviewed the Site Sketch Plan for the exterior renovation of the existing unoccupied automotive sales and service center on the property located at 7741 Ocean Gateway, also known as Tax Map 107, Parcel 2783, Lot 7, 8 & 9.

The Committee determined that the project will need to address all agency comments as specified in the attached review letters and at ESDR. It was determined by the Committee that the application may be scheduled for Planning Commission review. Please submit all revised documents.

The next Planning Commission meeting is scheduled for **Thursday, June 20, 2024 at 1:00 pm.** Submit all documentation to the Planning and Zoning Department no later than Tuesday, May 28th at 1:00 pm. Files for presentation at the Planning Commission need to be provided on a flash drive. In addition, provide a digital submittal (via email) of all supporting documents necessary for the Planning Commissions review, including **six paper copies**.

Based on the ESDR sketch plan submission, the Staff did not identify constraints which require action by the Board of Zoning Appeals.

Please contact the Planning & Zoning Department at 410 822-1943 with any questions.
Sincerely,

Joseph A. Mayer
Plan Reviewer

TOWN OF EASTON
PLANNING & ZONING DEPARTMENT
P.O. Box 520
Easton, Maryland 21601
410-822-1943
www.EastonMD.gov

DATE: **May 24, 2024**
TO: **Shaquille Turner –** Willow Construction, LLC (Agent)
Al Guckes - % Hertrich Properties XIII, LLC (Owner)
Cc: **Miguel Salinas** – Director, Planning & Zoning Department
Rick VanEmburgh – Town Engineer, Department of Engineering

FROM: **Joseph A. Mayer -** Plan Reviewer, Planning & Zoning Department
SUBJECT: **7741 Ocean Gateway - Hertrich GMC, Buick and Kia**

We reviewed the **May 2, 2024** Sketch Plan Submittal for the Subject Project and have the following comments:

PLANNING & ZONING COMMENTS

Sketch Site Plan Review #1

1. Add ADA vehicle space and an accessible path to the service reception area on plan view. **See attached markup below.**

2. Verify that all proposed ADA parking spaces will be within the required cross slopes for the landing area, ramp run and overall parking space. Please note that any modifications to provide a compliant ADA space, in regards to modifying the slope, would increase the limit of disturbance.

3. Staff recommends proposed landscaping to complement the proposed architecture. Per Appendix B, Sketch Plan Submittal Checklist requires, *general location and description (r.e. Intended function, proposed species. etc.) of proposed landscaping.* List the proposed native species on a plan view and a Landscape Legend.

Site Plan comments to be addressed at Building Permit application

4. Per § Section 28-306.2 from the Town's Zoning Ordinance, address the minimum development standards and provide the site data onto the Site Plan.

5. Determine all applicable Bufferyards required for the site or apply for a Supplemental Waiver Request Application for Landscaping & Buffering.

6. Address § Section 28-1007.2.A.3.a through l and § Section 28-1007.2.A.4.a

through h from the Town's Zoning Ordinance. Verify all applicable requirements.

7. Per Chapter 28-306.2 H of the Zoning Ordinance, all off-street loading and unloading areas shall be screened from view by permanent decorative screens or natural planting, either of which shall be a minimum of eight (8) feet in height, in accordance with the provisions of Section 28 – 1014 of this Ordinance. Provide additional screening at the loading area.

8. Dimension the drive aisles and a typical parking space area on the Site Plan.

9. Provide parking calculations for the minimum and maximum vehicle spaces required.

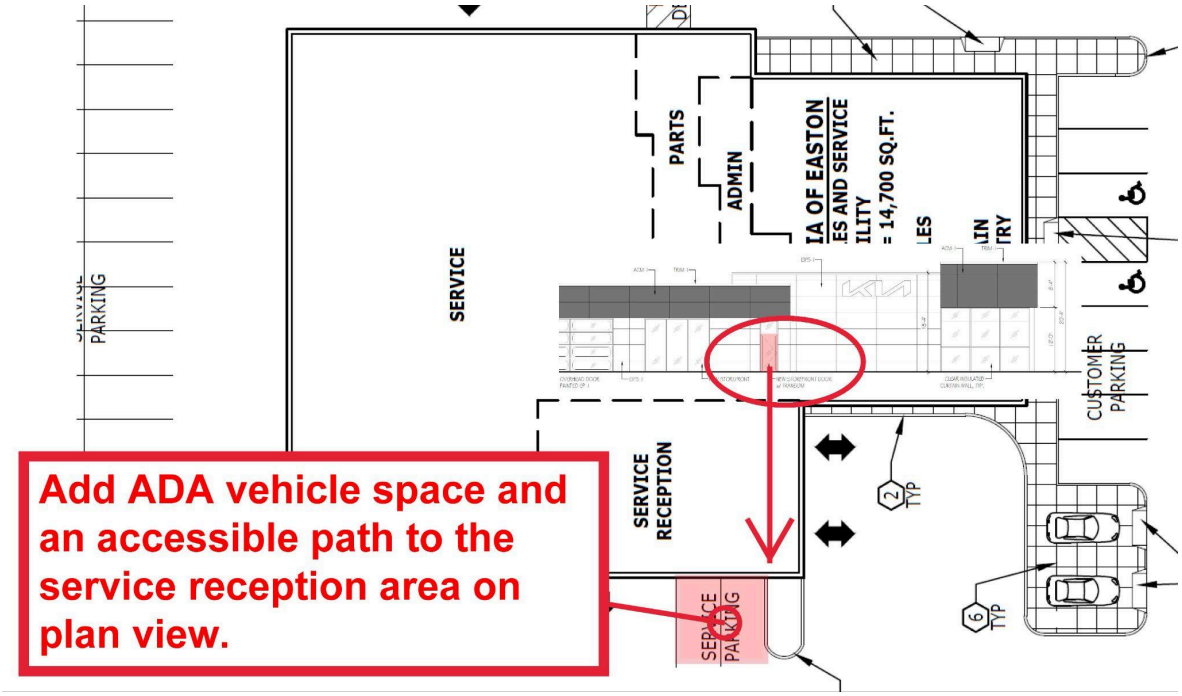
10. Add Ward District in the Title Block to all sheets.

11. Show a Vicinity Map with the zoning district boundaries.

12. Show and label jurisdictional boundaries for the property lines adjacent to Talbot County on the Vicinity Map.

Please address all review comments 1 through 3 prior to your Planning Commission submission. Comments 4 through 12 are to be addressed prior to Building Permit Application.

Review Comment #1



Plan Review Status

Sketch Site Plan Review			Comments
Plans Approved	☐Y	☒ N	Please review the comments above. Revise and resubmit.
Forest Stand Delineation & Forest Conservation Plan			
☐ Required ☐ Submitted ☐ Approved			**Exempt from Forest Conservation per Article III, § 31-3.2 O. The proposed activity is on a previously developed area covered by impervious surface and is located within the priority funding area. To be noted on the Sketch Site Plans.** **Analysis -** The site is within the priority funding area and is an existing developed area covered by impervious surface; gravel path, brick wall, and utilities. The overall site area is 2.264 acres with associated parking, existing building and landscaping. Required Forest Conservation would be 0.340 acres or 14,810 square feet. The intent of the project is to maximize density within the area and provide adequate facilities to accommodate the site. The staff recognizes the peculiar nature of these land use types and the need for large, open expanses of paved area and adequate traffic flow opportunities. Based on the existing conditions and priority funding area, the staff supports the exemption.
Other			
☒ Required ☐ Submitted ☐ Approved			**IMPACT FEES** **Please note, any future expansion to the existing building will require Impact Fees. The Town's Impact Fees and Inspection Fees are to be paid upon the time you pick up your Building Permit. Please provide building square footage with appropriate use for calculation of Impact Fee.** **Talbot County Impact Fees are due prior to obtaining your Building Permit. Please provide receipt of payment to the Town's Building Inspection Division.**

Please contact me if you have any questions. Thank you.

TOWN OF
EASTON
ENGINEERING DEPARTMENT

DATE: **May 22nd, 2024**

TO: **Hertrich Properties XIII, LLC – Applicant**
Cc: **Rick Van Emburgh – Town Engineer**
Lynn Thomas – Town Planner
Aaron Goller – EUC

FROM: **Sierra Clem – Engineering Department**

SUBJECT: **7741 Ocean Gateway**
Hertrich GMC, Buick and Kia
Sketch Site Plan Review for ESDR

Our office has reviewed the Application for the Subject project received on 4/25/2022. The proposal includes interior and exterior renovations of an existing dealership in Easton. We have the following comments:

1. Please indicate the Limit of Disturbance to determine how the project will address Stormwater Management. If the Limit of Disturbance is less than 5,000 sf then the project is Exempt from Stormwater Management, but if the Limit of Disturbance is 5,000 sf or greater, the proposed improvements must include stormwater management.

   The Tidewater Business Park has a regional stormwater management pond which should be evaluated for available capacity if additional stormwater management is required.

2. Verify if any modifications are proposed to the Entrance to Erickson Drive, which is a Town Right of Way. The legend indicates landscape areas indicates areas on Erickson Drive.

Please note the regional SWM pond's most recent Triennial Inspection under the Town's MS4 Program resulted with outstanding maintenance items that would need to be addressed prior to any additional SWM capacity being granted.

Please contact me if you have any questions. Thank you.

TOWN OF EASTON

PO Box 520
Easton, Maryland 21601
(410)-822-2526 Fax (410)-822-8738
Office of Building Inspection.

ACCREDITED

ESDR- Building Inspection and Permit Department Comments

Date: May 22, 2024

Project; 7741 Ocean Gateway - Hertrich GMC

A Town of Easton Building Permit is required for all new construction that involves alteration to an approved existing building.

Contact this Department and verify current Building Codes including the Town of Easton's modifications prior to preparation of Building plans.

The following lists items required on the construction drawings in order to apply for a Building Permit.

- Indicate the type of construction, addition or alterations,
- Construction Documents (3 sets) for any new construction will be required. Documents must be prepared by a registered Maryland Registered Architect, with original plans signed and sealed. A code analysis completed by a Registered Maryland Architect including, classification (use group), construction type, and occupant loads must be completed and included with the application materials. (See Maryland Architectural Act- Comar sect. 3-101, 102, 103)
- The Town of Easton, in accordance with the International Building Code Chapter 17, establishes a building inspections procedure that utilizes qualified, third-party professionals in addition to the Town's Building Inspectors. The purpose of this document is to establish the policy and guidelines for the construction process in accordance with the Building Code requirements and to:
    - Define the responsibility of all parties.
    - Standardize code application.
    - Provide for an orderly and systematic approach for updating standards that apply to the Special Inspections.
    - Set forth a guideline for Special Inspections.

  A copy of this can be found on the Towns Web Site
- Items that must be addressed by the construction documents will be structural strength, means of egress (include travel distance), facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment, **Accessibility**, and other safety requirements for public access.

- All mechanical, electrical, and plumbing permits as required must include construction documents signed and sealed by a professional engineer and by a responsible party for the contractor receiving the permit. Be sure the Town of Easton modifications are included. Section 6-16 of the Town Code.
- Pursuant to Town of Easton Ordinance 477, Chapter 9 Fire Protection, Article VII Security Key Lock Boxes, a lockbox shall be provided on the exterior of the building and shall be located as required by the chief of the Easton Volunteer Fire Department, Inc. (410-822-4848).
- An appointment may be set up with this department to review your permit application materials prior to permit application submission.

- **State Fire Marshal,** (410-822-7609) plan review and inspections are required. It is your responsibility to contact them and make application.

EASTON UTILITIES

Life. Made better.™

Easton Utilities Commission

Plan Review Comments

Date: Wednesday, May 15, 2024
To: Joe Mayer; Nicholas Johnson; Sierra Clem
From: Kia Gibbs on behalf of Aaron Goller, PE **No. of Pages:** 1
Regarding: 7741 Ocean Gateway - Hertrich GMC Buick
Phase: Sketch Site Plan **SUBM:** 1 **Status:** Revise and Resubmit

Easton Utilities Commission has reviewed the above referenced plans and have provided the following comments. Please provide your corrections as listed below. Additional reviews will be required to ensure comments have been addressed. Items or documents not provided on initial submission will be subject to further review. Please contact Kia Gibbs, Admin Support at kgibbs@eucmail.com should you have any questions.

ITEM:	DRAWING / PAGE	COMMENTS:
1	General	Does water need to be upgraded?

Town of Easton
Engineering, Planning and Zoning
14 South Harrison Street, Easton, MD 21601

RECEIVED
APR 17 2024
TOWN OF EASTON

Planning Commission Concept, Use, and Design Application

Site Information							
Structure's Floor Area	14,700			Structure's Square Feet	14,700		
Area of Disturbance	0			Number of Dwelling Units	0		
Property Size		Acres	2.18	Square Feet	14,700		
Address	7741Ocean Gateway Easton MD 21601						
Tax Map	0107	Grid	0000	Parcel	2783	Lot	7
Zoning District	CG	Historic District Y ☐ N ☒			PRD Y ☐ N ☐		
Other Information							
Existing Use	Unoccupied Car Dealership						

Owner			
Name	Hertrich Properties XIII LLC		
Mailing Address	26905 Sussex Highway P.O. Box 1420 Seaford DE 19973		
Telephone No.	302-839-0520	Email	aguckes@hertrichs.com

Applicant / Agent			
Name	Willow Construction, LLC		
Mailing Address	8649 Commerce Drive Easton MD 21601		
Telephone No.	410-822-6000	Email	sturner@willowconstruction.com

General Information:

Renovation of 14,700 SF of an existing unoccupied car dealership that will be a Hetrich Kia dealership in Easton, MD. The scope includes interior and exterior renovations.

Any modifications during review shall warrant an updated application.
I do hereby solemnly declare and affirm that the information provided by this application and the documents attached hereto accurately represent the conditions of the request and that submission of an incomplete application will be returned for correction prior to processing.

Signature of Applicant or Agent: Shaquille Turner
Date: 4/16/2024
Printed Name of Applicant or Agent: Shaquille Turner

For Office Use Only

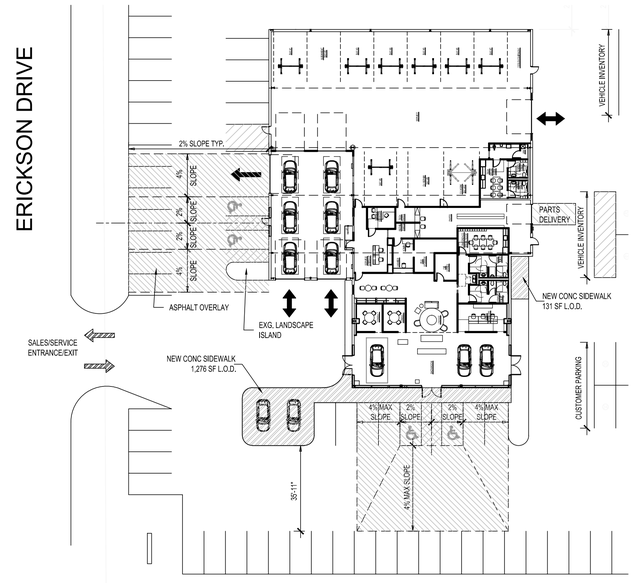
Planned Commission Meeting Date	06/20/2024	
Review Fee Amount	$250.00	**2024 - 1189**
Review Fee Paid Date	04/17/2024	
ESDR Y / N Date	05/22/2024	

Revised 02-2019

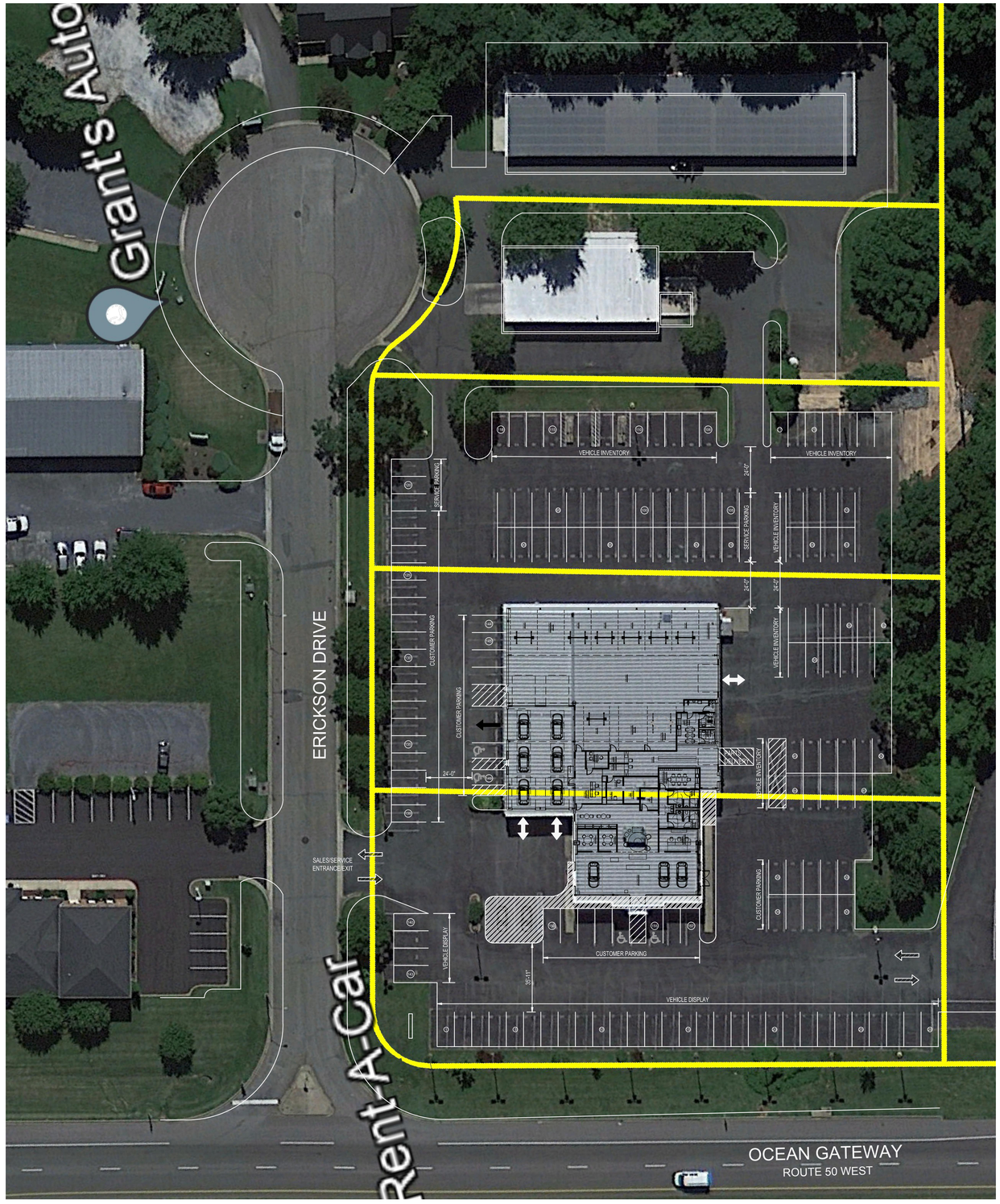
K1 **BUILDING ELEVATION - EXISTING LANDSCAPING BUFFER**
N.T.S.

SITE DATA

OWNER	HERTRICH PROPERTIES XIII, LLC.
CURRENT ZONING JURISDICTION	TALBOT COUNTY
ADDRESS	7741 OCEAN GATEWAY
CURRENT ZONING	NR – NONRESIDENTIAL
DEED REFERENCE	/01713/00014
PLAT REFERENCE	0000
EXISTING USE	GENERAL COMMERCIAL
PROPOSED USE	GENERAL COMMERCIAL
TAX MAP	0107
GRID	0000
PARCEL	2783, LOTS 7, 8 & 9
PARCEL AREA	2.26 +/– ACRES
BUILDING SETBACKS:	
FRONT SETBACK	25'
SIDE SETBACK	10'
REAR SETBACK	15'
PARKING SPACES	
MINIMUM REQUIRED	1 PER 375 SF; 5 SPACES; AUTO SALES 1 PER 250 SF; 19 SPACES; OFFICE WITHOUT DRIVE THRU 1 PER 500 SF; 18 SPACES; AUTOMOTIVE REPAIR GARAGE
PROVIDED	42



A1 **SKETCH**
1" = 30'



A10 **SITE PLAN**
1" = 30'

0' 30 60 90
SCALE: 1"=30'

Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed Professional Architect in the laws of the State of Maryland
Office No. 11115 Expiration Date: 09/24/24 Maryland, 00000, 00-00-00.

DAVIS BOWEN & FRIEDEL, INC.
ARCHITECTS · ENGINEERS · SURVEYORS
EASTON, MARYLAND 410.770.4744
MILFORD, DELAWARE 302.424.1441
SALISBURY, MARYLAND 410.543.9091

HERTRICH KIA DEALERSHIP
TENANT FIT-OUT
OCEAN GATEWAY, EASTON, MARYLAND

DATE	COMMENTS

Date:	MAY 28, 2024
Scale:	AS NOTED
Dwn.By:	EHC
Proj.No.:	0894A021.A01

SITE PLAN

Dwg.No.:
C-101

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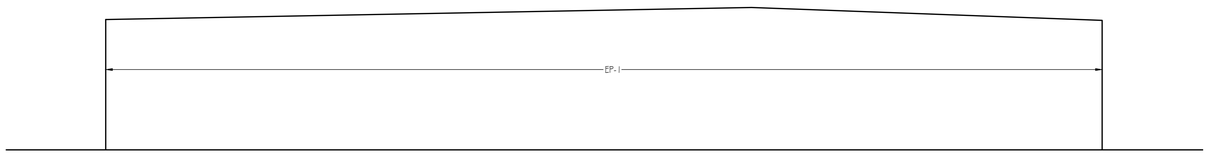
EXTERIOR MATERIALS SCHEDULE

TAG	TYPE	SPECIFICATION	REMARKS/ CONTACT
ACM-1	ALUMINUM COMPOSITE PANEL	ALPOLIC - ALPOLIC FR - TOB BLACK	
ACM-2	ALUMINUM COMPOSITE PANEL	ALPOLIC - ALPOLIC FR - BSX SILVER METALLIC	
CW-1	CURTAIN WALL	KAWNEER - 1 62OUT 55G CURTAIN WALL SYSTEM - ANODIZED ALUMINUM MULLIONS; CLEAR, LOW-IRON GLAZING	
EIFS-1	EXTERIOR INSULATION FINISH SYSTEM	DRYVIT - "DEMANDIT ADVANTAGE" - TO MATCH BM HC-169 CONVENTRY GRAY	
EP-1	PAINT	BEJAMIN MOORE - REGAL EXTERIOR LATEX PAINT - COLOR: BM HC-169 CONVENTRY GRAY; FINISH: EGGSHELL	

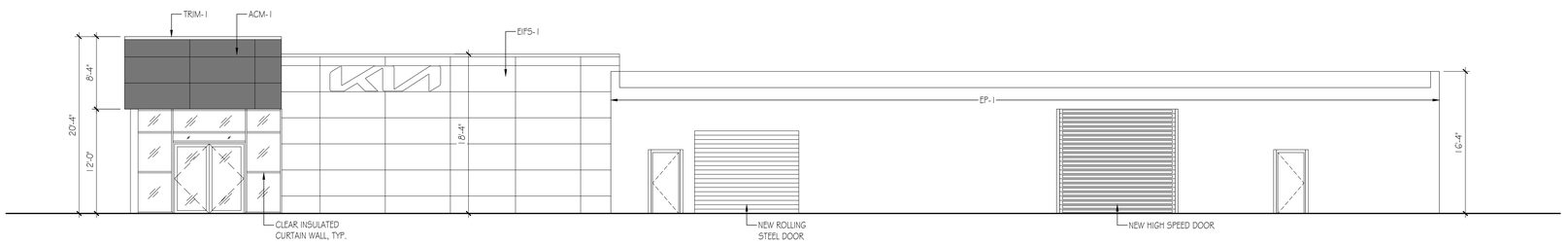
GENERAL EXTERIOR FINISH SCHEDULE NOTES

- UNLESS NOTED OTHERWISE, PAINTED SURFACES SHALL BE PREPARED & FINISHED AS FOLLOWS:
  - EXTERIOR HOLLOW METAL DOOR FRAMES & MISCELLANEOUS METALS - 1 COAT PRIMER - 2 FINISH COATS - SEMI-GLOSS FINISH
  - EXTERIOR GYPSUM WALLBOARD CEILINGS/SOFFITS - 1 COAT PRIMER - 2 FINISH COATS - FLAT FINISH
  - EXTERIOR WALLS - STUCCO/EIFS - 1 COAT PRIMER - 2 FINISH COATS - SATIN FINISH



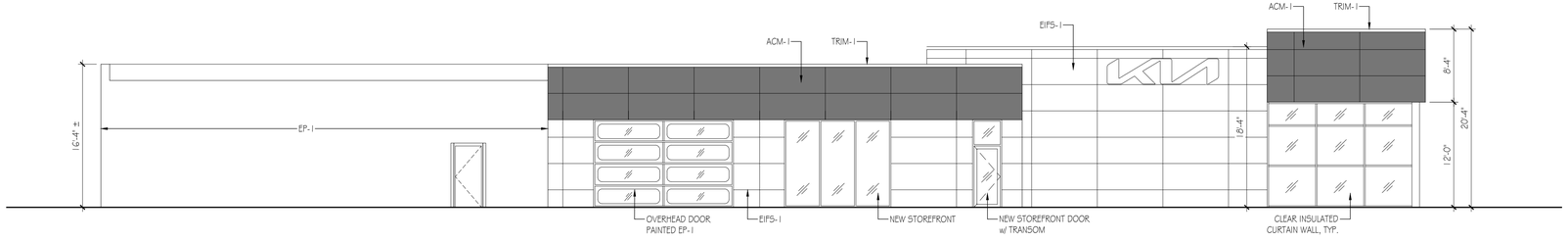
4 REAR ELEVATION

Scale: 1/8" = 1'-0"



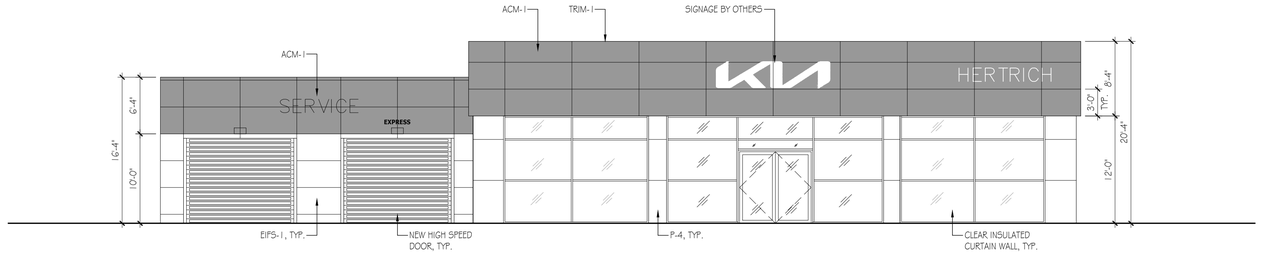
3 RIGHT ELEVATION

Scale: 1/8" = 1'-0"



2 LEFT ELEVATION

Scale: 1/8" = 1'-0"



1 FRONT ELEVATION

Scale: 1/8" = 1'-0"

PENNEY DESIGN GROUP
8120 Woodmont Avenue | Suite 750 | Bethesda, Maryland 20814
p.301.979.7600 | f.301.710.6384 | www.penneydesigngroup.com

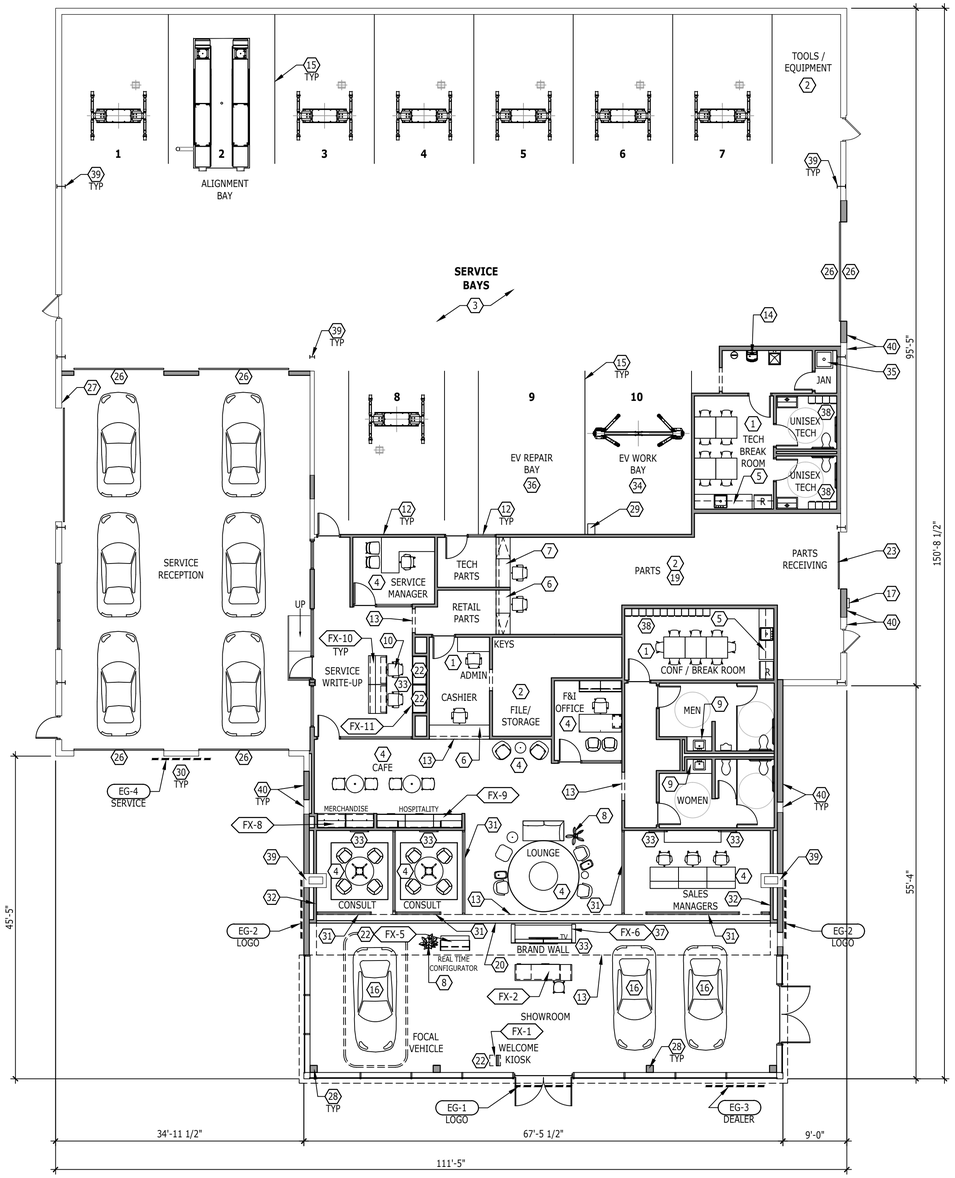
Hertrich Family Dealership
120 South Dupont Highway
New Castle, DE 19720

Proposed Elevations

October 18, 2023

Kia of Easton
6546 Ocean Gateway
Easton, MD 21601
HERO10a

PE-1
SCALE:
1/8" = 1'-0"
24 x 36



LEGEND	
#	NOTE DESIGNATOR - REFER TO DRAWING NOTES ON THIS SHEET
FN-#	FURNITURE ITEM - REFER TO FURNITURE SCHEDULE
FX-#	FIXTURE ITEM - REFER TO FX-SERIES SHEETS
	NEW FULL HEIGHT PARTITIONS/WALLS
	EXISTING WALLS AND/OR LOW WALLS/PARTITIONS

BUILDING CONFIGURATION, ROOM SIZES AND SHAPES ARE ALL SHOWN FOR DESIGN INTENT PURPOSES AS A GUIDELINE ONLY ALL CRITICAL DIMENSIONING SHALL BE PERFORMED BY A LICENSED PROFESSIONAL AS PART OF CONTRACT DOCUMENT PREPARATION.

GENERAL NOTES

A. THE PURPOSE OF THESE DRAWINGS IS TO CONVEY THE DESIGN INTENT AND FINISH MATERIAL SPECIFICATIONS ONLY. THEY ARE NOT TO BE USED TO OBTAIN BUILDING PERMITS OR FOR ACTUAL CONSTRUCTION OF THE PROJECT. COMPLIANCE WITH LOCAL BUILDING ORDINANCES, FIRE REGULATIONS, ZONING CODES AND ADA REGULATIONS IS BEYOND THE SCOPE OF THESE DOCUMENTS.

B. THE PROPOSED DESIGN SOLUTION MAY REQUIRE MODIFICATIONS DUE TO JOB SPECIFIC INFORMATION REGARDING GRADING, UTILITIES, EASEMENTS, SETBACKS, WATER RETENTION, AND SITE ACCESS. ALL STRUCTURAL MODIFICATIONS MUST BE CAREFULLY ANALYZED BY A LICENSED STRUCTURAL ENGINEER AND MODIFIED/DESIGNED AS REQUIRED.

C. COMPLIANT CONSTRUCTION DOCUMENTS ARE TO BE PREPARED BY LICENSED PROFESSIONALS WHO ARE WILLING TO ACCEPT RESPONSIBILITY FOR PROPER APPLICATION OF THESE INTENT DOCUMENTS.

D. BUILDING CONFIGURATION, ROOM SIZES AND SHAPES ARE ALL SHOWN FOR DESIGN INTENT PURPOSES AS A GUIDELINE ONLY. ALL CRITICAL DIMENSIONING SHALL BE PERFORMED BY A LICENSED PROFESSIONAL AS PART OF CONTRACT DOCUMENT PREPARATION.

DRAWING NOTES

1. OFFICE FURNISHINGS LAYOUT BY OWNER. ITEMS CAN BE SELECTED FROM SPECIFIED FURNITURE SYSTEM. REFER TO FURNITURE SCHEDULE ON SHEET A-3B.1, A-3B.2.
2. STORAGE UNITS LAYOUT AND QUANTITY BY OWNER.
3. SERVICE BAY LIFT AND ALIGNMENT RACK LAYOUTS BY OWNER.
4. REFER TO FURNITURE LAYOUT PLAN ON SHEET A-3.
5. BASE CABINETS, COUNTERTOP WITH SINK, STORAGE CABINETS ABOVE - REFER TO FINISH SCHEDULE FOR STANDARD PL FINISHES.
6. CUSTOMER SERVICE VISIBLE COUNTERTOP, FINISHES TO BE SS-1.
7. STAINLESS STEEL COUNTER FOR BACK OF HOUSE SERVICE AREAS.
8. RECOMMENDED FOLIAGE / PLANTS LOCATIONS, THESE ITEMS TO BE COORDINATED AND PROVIDED BY THE OWNER.
9. SEE A-5E FOR RESTROOM COUNTER DETAILS.
10. ADA COMPLIANT CHAIR(S) TO CORRESPOND WITH ADA COMPLIANT DESK(S).
11. NOT USED.
12. FIRE RATED WALL - FIRE SHUTTERS OR FIRE RATED WINDOW WALL MAY BE REQUIRED.
13. LINE OF SOFFIT ABOVE.
14. ELECTRIC WATER COOLER - SUPPLY ONE FOR ADA ACCESSIBILITY.
15. DEFINES SERVICE STALL AREA.
16. VEHICLE LOCATION- MAINTAIN LOCATION.
17. OPTIONAL NIGHT DROP INTEGRATED INTO FACADE.
18. NOT USED.
19. MEZZANINE PARTS STORAGE MAY BE REQUIRED TO COMPLY WITH KIA MINIMUM REQUIREMENTS. SEE ZONE FOR REQUIREMENTS.
20. SEE SHEET A-4.1 FOR FLOOR FINISHES TRANSITION NOTES.
21. NOT USED.
22. PROVIDE POWER/DATA AS NEEDED AT FIXTURE, GRAPHIC OR MONITOR LOCATIONS .
23. PARTS OVERHEAD DOOR.
24. NOT USED.
25. NOT USED.
26. GROUND SENSORS TO TRIGGER DOOR OPENING AND CLOSING.
27. WATER SPIGOT LOCATION.
28. SUGGESTED STRUCTURAL COLUMN LAYOUT. ALL LAYOUTS TO BE CERTIFIED BY A LICENSED PROFESSIONAL.
29. INSTALL EV CHARGING STATION; ONE FAST CHARGER (MIN. 24KW), OR ONE LEVEL 2.
30. VEHICLE BOLLARD LAYOUT TO BE DETERMINED BY OWNER/ARCHITECT. SEE EQUIP-10 IN FINISH SCHEDULE.
31. ADD 50 IN. WIDE SAFETY/PRIVACY FILM GF-1 @ THE CENTER OF INTERIOR GLAZING, TYP.
32. 1' FURRING, SEE FINISH PLAN.
33. REFER TO SHEET GPP-2 FOR ALL GRAPHIC LOCATIONS.
34. ABOVE-GROUND LIFTS FOR DESIGNATED EV SERVICE STALL.
35. MOP SINK.
36. STALL ADJACENT TO EV SERVICE STALL SHALL REMAIN FREE OF VEHICLE LIFT.
37. BRAND WALL. SEE SHEET FX-6 FOR DETAILS.
38. LOCKER LAYOUT BY OWNER.
39. EXISTING COLUMN. EXACT LOCATION TO BE CERTIFIED BY A LICENSED PROFESSIONAL.
40. ALIGN WITH FACE OF EXISTING CONSTRUCTION.

HERTRICH KIA OF EASTON
EASTON, MD

ChangeUp
937.293.7700 changeupinc.com

These drawings are for communication of design intent only. They are shown to a specific size, shape, color, feature and proportion, and not to be used as fabrication drawings.
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DATE
JULY 2023

REVISED
CG + ND

SCALE
3/32"=1'-0"

PROJECT NO.
KIA269

DRAWING TITLE
FURNITURE/FIXTURE PLAN

DWG NO.
A-2

SERVICE
EXPRESS
HERTRICH

TOWN OF EASTON

14 South Harrison Street
Easton, Maryland 21601

June 5, 2024

Dear Resident,

The Easton Planning Commission (Commission) will hold a public meeting on **Thursday, June 20, 2024 at 1:00 p.m**. in the Easton Town Council Chambers located on the second floor of 14 South Harrison Street. The Town of Easton Zoning Ordinance requires that owners of property located within 400 feet of a parcel on which certain types of applications are pending be given notice of upcoming meetings or hearings. If you are a tenant in or an owner of a multi-unit building, please distribute or post this notice in a visible location for all other tenants or owners to view. If you are a tenant of a rental property, please notify the property owner that this notice letter has been distributed to their property. Notice has also been sent to the Star Democrat, a sign has been posted at the subject property and the hearing agenda has been posted on the Town of Easton website: http://eastonmd.gov/.

This letter is sent to inform you that Willow Construction, LLC has filed application 2024 - 1189 on behalf of Hertrich Properties XIII LLC to request architectural approval for renovations to the interior and exterior of the existing 14,700 square foot unoccupied car dealership located at 7741 Ocean Gateway, also known as Tax Map 0107, Parcel 2783, Lot 7, for use as a new Kia Dealership.

Copies of the proposed application are on file and available for public review in the Town's Planning Office at 14 South Harrison Street between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday. **In addition, digital copies will be available for review one week prior to the scheduled meeting via the Town's website at** https://www.eastonmd.gov/129/Agendas-Minutes. If you have any questions regarding this application, please contact the Planning Office at (410) 822-1943 or via email at ssmith@eastonMD.gov.

Samantha N. Smith

Samantha N. Smith, Administrative Specialist
Planning & Zoning Department
410-822-1943 ssmith@eastonMD.gov

Subject property posting pursuant to Section 28-901.2.H.2 of the Town of Easton Zoning Code - June 5, 2024.

MEMORANDUM

TO: EASTON PLANNING & ZONING COMMISSION

FROM: LYNN B. THOMAS, JR., AICP, TOWN PLANNER

DATE: JUNE 11, 2024

SUBJECT: PLANNING COMMISSION ANNUAL REPORT

Please find attached with this memorandum, a DRAFT Easton Planning Commission Annual Report. Annual Reports are actually “required” by the State Land Use Article. Until the past five years or so, Annual Reports were prepared as a traditional business or academic report, often in the 10-15 page range depending on the level of growth and development activity in the given year. More recently, the MD Department of Planning (MDP) has made the exercise easier by providing a template which simply requires us to fill in a couple of tables that will allow them to better track the information they are most concerned with, mainly the overall amount of growth occurring in the State and the percent that is inside vs outside of Priority Funding Areas.

Your required action on the Annual Report is to (1) formally approve the report and submit it to MDP, along with a cover letter; and (2) file a copy of the report with the Town Council.

Since the DRAFT Report is simply in the form of reported data, I don’t think there is anything that is subject to debate or change (notwithstanding the possibility that we recorded something in error). However, you are certainly free to add to the Report if you think it appropriate to do so. One of the areas that used to be included in such reports was a section on “Planning Commission Recommendations for Improvements in the Development Process,” and in fact, such recommendations are referenced in the template (although there is no block of space set aside for such recommendations in the provided template). If you have any such recommendations, or think it would be useful to describe upcoming projects or a work program, we can certainly add those elements and/or include them in the cover letter to MDP.

INSTRUCTIONS

Each Planning Commission/Board must approve an Annual Report for the reporting calendar year 2023 (January 1, 2023 - December 31, 2023), as required under **§1-207(b)** of the Land Use Article. In addition, the Annual Report shall be filed with the local legislative body and the Maryland Department of Planning (MDP), via email to david.dahlstrom@maryland.gov and cc: to mdp.planreview@maryland.gov.

A jurisdiction may use the attached template form, or any of the previous Annual Report forms. The Land Use Article requirements have not changed for calendar year 2023, however, the templates have been slightly modified to better describe the requested information that will help MDP form a complete summary of all local government annual reports. An optional survey is included in Section VII. We encourage all jurisdictions to respond.

Section I- **New Residential Permits**, and **Section II- Amendments and Growth-Related Changes**, are required by all local jurisdictions.

Section III- **Development Capacity Analysis**, is required every three years.

Section IV- Locally Funded Agriculture Preservation, is required for counties only.

Section V – Measures and Indicators, is required for jurisdictions reporting more than 50 new residential permits in Section I. If new permit data is not available, MDP will accept new occupancy data, provided the jurisdiction describes this deviation in its submission.

Section VI- Adequate Public Facility Ordinances, is required every two years for jurisdictions with adopted Adequate Public Facility Ordinances (APFOs). Jurisdictions may delete this Section from their report if they have not adopted an APFO.

Section VII – **Planning Survey Questions** is optional.

Section I: New Residential Permits Issued (Inside and Outside the PFA)
(§1-208(c)(1)(i) and (c)(3)(ii))

(A) In *Table 1*, *New Residential Permits Issued (Inside and Outside the PFA*) below, enter the number of new residential building permits issued in calendar year (2023). Enter 0 if no new residential building permits were issued in 2023.

Table 1: New Residential Permits Issued
Inside and Outside the Priority Funding Area (PFA)

Residential – Calendar Year 2023	PFA	Non - PFA	Total
New Residential Permits Issued	58	0	58

Note: If new residential permit data is not available or tracked, jurisdictions are encouraged to begin a process to track the number of new residential permits approved. MDP will accept new residential occupancy permits as a substitute for new residential permits, provided that the jurisdiction represents the data as new occupancy permits, rather than new residential permits, in this template or other reporting form submitted to MDP. Similarly, if permitting data that specifies within and without of the PFA is not available, and the jurisdiction submits data related to a locally defined growth area, instead of PFAs, then the jurisdiction should consider a future process to track permits within the PFA. MDP will accept permit or occupancy data specific to a locally defined growth area, provided that the jurisdiction represents the data as such in this template or other reporting form submitted to MDP, rather than as PFA.

Section II: Amendments and Growth Related Changes In Development Patterns
(§1-207(c)(1) through (c)(4))

Note: Growth related changes in development patterns are changes in land use, zoning, transportation capacity improvements, new subdivisions, new schools or school additions, or changes to water and sewer service areas.

(A) Were any new comprehensive plan or plan elements adopted? If yes, briefly summarize what was adopted. Y ☐ N x

(B) Were there any amendments to zoning regulations or zoning map? If yes, briefly summarize each amendment, include an updated zoning map, and/or GIS shapefile, if available.

Y ☐ N x

(C) Were there growth-related changes, including land use, annexations, zoning ordinance changes, new schools, changes in water or sewer service areas, municipal annexations that changed municipal or unincorporated area boundaries? If yes, describe or attach a map of the changes and/or GIS shapefile, and describe how they are consistent with internal, state, or adjoining jurisdiction plans.

Y x N ☐

The Town approved one Annexation in 2023, for Town-owned property on Port Street along the Tred Avon River at the site of the Former Southern States property. The request actually involved two properties, which in total comprised 4.899 acres. The purpose of the annexation was to

bring these properties into Town; the properties were acquired in 2021 for the purpose of providing public waterfront access, as directed in our Comprehensive and Port Street Small Area Plans.

(D) If yes to municipal annexations, have copies of each adopted resolution been submitted to: ☐☐Georgeanne Carter, Legislative Counsel Municipal Resolution Reposition Department of Legislative Services, 90 State Circle, Annapolis MD, 21401-1991? Y x N ☐

(E) Did your jurisdiction identify and/or implement recommendations, related to the following general planning topics, to improve the local planning and/or development process? Please select all that apply.

Y x N ☐

☐ Green Infrastructure	● Revitalization and Infill
● Zoning Reform	☐ Bike/Ped Planning
☐ Climate Change	☐ Commercial Redevelopment
☐ Affordable/Workforce Housing	☐ Sustainable Growth
☐ Equity	☐ Placemaking
☐ Resilience	☐ Aging Population
☐ Water/Air Quality	☐ Sensitive Area Preservation
☐ Water/Sewer Capacity	☐ Expedited Review for Preferred Projects
☐ Brownfield Remediation	

Please describe any other planning improvements identified or implemented in 2023.

As a follow-up to a Comprehensive Update to the Town's Zoning Code in 2021, the Planning Staff worked with the Planning Commission to develop a package of amendments to clarify various issues that we have noted since the broad update. These changes were adopted in 2024 and will be reported in next year's Annual Report.

Also, work began in 2023 on a Small Area Plan for the East End Neighborhood and Dover Street Corridor. This is a long-established neighborhood bordering Easton's historic Downtown. As such, it will by nature focus on revitalization and infill opportunities and options.

(F) Have all Planning (Commission/Board) and Board of Appeals members completed the Maryland Planning Commissioners Association (MPCA) training course?

Y x N

Section III: Development Capacity Analysis (DCA)(§1-208(c)(1)(iii))

Note: MDP provides technical assistance to local governments in completing development capacity analyses. Please contact your MDP regional planner for more information.

(A) Has an updated DCA been submitted with your annual report or to MDP within the last three years? Y x N ☐

1. If no, explain why not, such as, no substantial growth changes.

2. If yes, when was the last DCA submitted? Identify month and year: With last year's Annual Report

Note: A DCA is not due if a comprehensive plan was updated in the past three years (2020-2023). MDP recommends that jurisdictions share DCAs with local school boards.

Was the DCA shared with the local school board facilities planner? Y ☐ N x

- Not formally although the concept has generally and regularly been shared and we keep them apprised of developments in the pipeline and share site/subdivision plans for any significant new development.

(B) Using the most current DCA available, provide the following data on capacity inside and outside the PFA in *Table 2, Residential Development Capacity (Inside and Outside the PFA)*:

Table 2: Residential Development Capacity (Inside and Outside the PFA)

Parcels & Lots w/ Residential Capacity	PFA	Non – PFA	Total
Residentially Zoned Acres w/ Capacity			
Residential Parcel & Lots w/Capacity			
Residential Capacity (Units)			

Please see the following table from our DRAFT 2024 Comprehensive Plan which provides this information. 100% would be within a PFA.

Estimating Residential Development Potential in Easton

A. Estimate Infill/Redevelopment/Build-out Potential (i.e. what we could get with *no* additional annexations)

Look back at the "Priority Development Areas" from current (2010) Comp Plan

Area 1 – ~~SSPP – non-residential (institutional)~~

Area 2 – Brooks Farm (in-Town portion)

Area 3 – Hospital-owned Oxford Road site (purchased by Talbot County in 2024, likely removing it from consideration for development)

Area 4 – Ashby Commons (89 du approved) [Now Essentially Built-out]

Area 5 – ~~Easton Commons Site (non-residential)~~

Area 6 – ~~Waterside Village (non-residential)~~

Area 7 – Alvin Lapides Property

Area 8 - Easton Point

Area 2 - 252 du's approved in 2022.

Area 7 – (Approx. 20 ac zoned residential, assumed to be multi-family [assume Londonderry density of 4.0 du/ac] x 4.0 du/ac x .75) = 60 units

Area 8* - 332 units (Residential units reflected in the Port Street Small Area Plan. NOTE: This includes lands not within the Town of Easton. For the purpose of this projection, they are treated as being within Town LImits)

Total estimated possible units from Priority Development Areas in 2010 Plan, as Amended (to Include Easton Point as the 8th Priority Development Area) = 644

B. Other Parcels with Infill Potential

Unimproved parcels ≥ 1 acre zoned Residential (using same build-out factors as above) = (49.9 ac x 3.5 x.75) 131 units

Unimproved parcels ≥ 1 acre in the PR District (substituting the PR density of a max. 40 du/ac for 3.5 in the equation above) = (3.3 ac x 40 x .75) = 99 units

# of unimproved residentially-zoned parcels <1 ac (assume one triplex middle housing type per parcel) = 94 parcels x 3 units = 282 units

Total estimated possible "other" infill units = 512

C. Completion of Approved or Pending Project

Residential Projects Under Construction = 189 units

Residential Projects Under Review = 415 units (excludes Area 2 (Brooks Farm - Four Seasons) and Area 3 (Poplar Hill) which are already counted above)

Total Units in Approved/Pending Projects = 604

D. Downtown Residential Development Potential (per AKRF study) = 100

E. Redevelopment Potential (Parcels w/ improvements assessed at ≤ $50,000; ≈ 63.7 acres x 3.5 du/ac x 0.75) = 167 – 158 existing units = 9 (net new units) +Special Redevelopment Target Areas (See Table on Following Page) 875 = 885

Total Infill/Redevelopment/Build-out Potential (A+B+C+D+E) = 2,745 units

Section IV: (Locally) Funded Agricultural Land Preservation & Local Land Use Goal (Counties Only) (§1-208(C)(1)(iv and v) - NOT APPLICABLE

(A) How many acres were preserved using **local** agricultural land preservation funding? Enter 0 if no land was preserved using **local** funds. Enter the value of local program funds, if available.

Table 3: Locally Funded Agricultural Land Preservation*

Local Preservation Program Type	Acres	Value ($)
Example: Transfer of Development Rights		
Example: Building Lot Retirement		
Example: Land Purchase		
Example: Local Land Trust		
Example: Easement		
Example: Other		
Total		

*State funded agricultural land preservation acres and values are not required to be reported as state funding is documented.

(B) What is the county's established local land use percentage goal? This percentage should include land uses within PFAs, not including PFA comment areas %

(C) What is the timeframe for achieving the local land use percentage goal? Years.

(D) Has there been any progress in achieving the local land use percentage goal?

(E) What are the resources necessary (e.g. legislative actions (programs incentives), functional planning, and capital funding) for infrastructure inside the PFAs?

(F) What are the resources necessary (e.g. legislative actions (program incentives and zoning changes), preservation planning, and easement funding) for land preservation outside the PFAs?

Section V: Measures and Indicators (§1-208(c)(1))

Note: Measures and Indicators, Section VII, is only required for jurisdictions issuing more than 50 new residential building permits in the reporting year, as reported in Table 1.

Table 4A: Amount of Residential Growth (Inside and Outside the PFA)

Residential – Calendar Year 2023	PFA	Non - PFA	Total
Total Minor Subdivisions Approved	1	0	1
Total Minor Subdivision Lots Approved	2	0	2
Total Residential Units Approved in Minor Subdivisions*	2	0	2
Gross Acres of All Approved Minor Subdivisions	0.344	0	0.344
Net Lot Area** in Acres of All Approved Minor Subdivisions	0.344	0	0.344
Total Major Subdivisions Approved	0	0	0
Total Major Subdivision Lots Approved	0	0	0
Total Residential Units Approved in Major Subdivisions	0	0	0
Gross Acres of All Approved Major Subdivisions	0	0	0
Net Lot Area** in Acres of All Approved Major Subdivisions	0	0	0
Total Residential Units Constructed	58	0	58
Total Residential Units Demolished***	10	0	10
Total Residential Units Reconstructed/Replaced***	55	0	55

* Residential units may be greater than lots if they include duplexes, triplexes. or multifamily

**Net lot area is the sum of all developed lots, minus open spaces and right-of-way, other publicly dedicated land.

****Not required*.

Table 4B: Net Density of Residential Growth (Inside and Outside PFAs)

Residential – Calendar Year 2023	PFA	Non – PFA	Total
Total Residential Units Approved (Major + Minor Subdivisions)	2	0	2
Total Approved Net Lot Area* (Major + Minor Subdivisions)	0.344	0	0.344

***Net lot area is the sum of all developed lots, minus open spaces and right-of-way, other publicly dedicated land.**

Table 4C: Share of Residential Growth (Inside and Outside the PFA)

Residential – Calendar Year 2023	PFA	Non – PFA	Total
Total Units Approved (Major + Minor Subdivisions)	2	0	2
% of Total Units (Approved Residential Units)	100%	0%	100%

Table 4D: Amount of Commercial Growth (Inside and Outside the PFA)

Commercial – Calendar Year 2023	PFA	Non - PFA	Total
Site Plans			
Total # of Commercial Site Plans Approved	11	0	11
Gross Acres of All Approved Commercial Site Plans	281.65*	0	281.65*
Gross Building Area Approved in Square Feet for Commercial Site Plans	524,541 sf	0	524,541 sf
Building Permits			
Total Commercial Building Permits Issued	10	0	10
Gross Building Area Constructed in Square Feet for issued Building Permits	74,623	0	74,623

*** NOTE - The Shore Health System/University of Maryland Medical System was included. The gross acres associated with the site is 236.15 acres and the gross building area approved is 340,890 square feet. This is obviously a unique application.**

Section VI: Adequate Public Facility Ordinance (APFO) Restrictions (§7-104)

(Section VI is only required by jurisdictions with adopted APFOs)

NOT APPLICABLE

Note: Jurisdictions with adopted APFOs must submit a biennial APFO report. The APFO report is due by July 1 of each even year and covers the reporting period for the previous two calendar years. APFO reports for 2022 and 2023 are due July 1, 2024. However, jurisdictions are encouraged to submit an APFO report on an annual basis.

(A) What type of infrastructure is monitored and may trigger development approval restrictions or require a developer to address deficiencies? (List each for schools, roads, water, sewer, stormwater, health care, fire, police or solid waste.)

(B) Has APFO impacted development approvals within the PFA? Y/N

(C) If APFO has delayed, limited, or denied development, defined here as a "restriction":

a. Are there infrastructure or service facility deficiencies that have triggered denials of development requests, or held up development approvals? Y/N

Note: This does not include APFO required developer-funded projects, or phased development approvals due to APFO limitations, or APFO required study areas for approval.

b. Can the impact area of facility deficiencies/ development restrictions, which temporarily delay development approvals, be mapped? Y/N

(D) If yes for (C)(b), where is each restriction located? (Identify on a map, including PFA boundary.)

(E) Describe what is causing each restriction.

(F) If applicable, what is the proposed resolution of each restriction?

(G) If applicable, what is the estimated date to resolve each restriction?

(H) If a development restriction has been addressed, what was the resolution that lifted each restriction?

(I) If a development restriction has been addressed, when was each restriction lifted?

Section VII: Planning Survey Questions (Optional)

This information can help MDP and MDOT staff to identify potential pedestrian/bicycle projects and their funding.

(A) Does your jurisdiction have a bicycle and pedestrian plan? Y ☐ N ☐

1. Plan name
2. Date Completed (MM/DD/YR)
3. Has the plan been adopted? Y ☐ N ☐
4. Is the plan available online? Y ☐ N ☐
5. How often do you intend to update it? (Every ____ years)
6. Are existing and planned bicycle and pedestrian facilities mapped? Y ☐ N ☐

(B) Does your jurisdiction have a transportation functional plan in addition to a comprehensive plan? Y ☐ N ☐

1. Plan name
2. Date completed (MM/DD/YY)
3. Has the plan been adopted? Y ☐ N ☐
4. Is the plan available online? Y ☐ N ☐
5. How often do you intend to update it? (Every ____ years)

(C) Has your jurisdiction completed and submitted a five-year mid-cycle comprehensive plan implementation review report this year? Y ☐ N ☐

Note: To find out if your jurisdiction is scheduled to submit this report, consult the Transition Schedule (Counties/Municipalities) section located at: https://planning.maryland.gov/pages/OurWork/compPlans/ten-year.aspx

If yes, please include the 5-Year Report as an attachment.

END

Submitting Annual Reports and Technical Assistance

(Please do not return this form)

(A) Please sign, scan, and email a copy of the Annual Report to david.dahlstrom@maryland.gov and cc: to mdp.planreview@planning.gov

Alternatively, if emailing is not possible, one copy may be mailed to:

Office of the Secretary
Maryland Department of Planning
301 W. Preston Street, Suite 1101
Baltimore, Maryland 21201-2305
Attn: David Dahlstrom, AICP

(B) Annual reports should include a cover letter indicating that the planning commission has approved the annual report and acknowledges that a copy has been filed with the local legislative body. The cover letter should indicate a point of contact(s) if there are questions about the report. Before emailing the annual report:

1. Was the annual report approved by the planning commission/board? Y ☐ N ☐
2. Was the annual report filed with the local legislative body? Y ☐ N ☐
3. Does the cover letter:
   a. Acknowledge that the planning commission/board has approved the annual report? Y ☐ N ☐
   b. Acknowledge that the annual report has been filed with the local legislative body? Y ☐ N ☐
   c. Answer whether all members of the planning commission/board and board of appeals have completed a training course ? Y ☐ N ☐ (See https://planning.maryland.gov/Pages/YourPart/MPCA/pcbzacompleteded.aspx for a list of those who have completed the course. See https://planning.maryland.gov/Pages/YourPart/EducationWelcome.aspx for the online training modules
   d. Indicate a point of contact(s)? Y ☐ N ☐

(C) If you desire, you may also send an additional copy of your annual report directly to your Maryland Department of Planning Regional Office via email or hardcopy.

(D) If you need assistance to prepare or submit reports, MDP regional planners are available to assist. Contact information is found at: Planning.Maryland.gov/OurWork/local-planning-staff.shtml

(E) You may wish to send additional copies directly to your MDP regional planner or school board facilities planner.

(F) Copies of this annual report worksheet, and links to legislation about annual report requirements can be found on the Maryland Department of Planning website: Planning.Maryland.gov/YourPart/SGGAnnualReport.shtml

(G) If you have any suggestions to improve this worksheet or any of the annual report materials, please list or contact David Dahlstrom at david.dahlstrom@maryland.gov.

TOWN OF EASTON

Planning & Zoning Department

STAFF MEMORANDUM

TO: EASTON PLANNING AND ZONING COMMISSION

FROM: LYNN B. THOMAS, JR., AICP
TOWN PLANNER

DATE: MAY 6, 2024

SUBJECT: PROPOSED ZONING CODE AMENDMENTS - FOLLOW-UP

The Commission will recall that potential Zoning Code amendments were presented and discussed at your March meeting. At that time, you assigned each proposed change to one of several categories. One of which were for proposed changes identified as so-called "no-brainers" and the others which were categorized such that additional research and/or discussion was requested. For simplicity sake, I have lumped all of the latter together here. Here then are the various proposed amendments, beginning with the "No-Brainers":

1. **Add definitions for sheds, swimming pools, and patios -** We have no definitions for these common structures and given that they have unique standards (e.g., setbacks) it is important to establish precisely what each term encompasses. In addition, the ordinance needs to specify whether, and to what extent, we may allow encroachment of patios into setbacks.

   Shed - a small accessory structure used to store items related to or used in connection with a residence.

   Swimming pool - any artificial structure, basin, chamber or tank, except a private spa, either above or below ground, which is used or intended to be used for the primary

purpose of swimming, diving, wading or recreational bathing. A swimming pool includes all associated equipment, structures and facilities located within a common enclosure. A unit used in conjunction with the private practice of a physician or physical therapist is not a swimming pool.

Patio - an uncovered horizontal structure with a surface height, at any point, no greater than two feet (2') above grade, intended for use as an outdoor amenity space.

2. **Removal of "Tree of Heaven" as a suitable street tree -**

This is a highly invasive species and not appropriate for planting generally ,or specifically as a Street Tree.

Currently Tree of Heaven is listed in Section 28-1014.3 under the exceptions to the acceptable plant species list, indicating it is "suitable as street tree only." If we want to prohibit its use under any scenario, we simply need to change that note to read "Not suitable in any location." This is consistent with several other species on this list (e.g., Bradford Pear, or Black Honey locust).

I also understand that there is a desire to address the osage orange in the same manner. Just like the tree of heaven, it is currently listed as "suitable as street trees only." Banning it everywhere would be accomplished identical to what is proposed for the tree of heaven above.

3. **Reducing the site triangle distance for some zones and clarifying whether an alley and street corner is considered an intersection**

There is some thought amongst staff that rather than using a blanket standard, sight triangles should be determined by the design speed of the street, the type of traffic control at the intersection, and the location of the travel ways from the edge of buildings at the corners, at least on urban streets. In any event, the AASHTO Green Book addresses the determination of clear sight triangles and the Town Engineer's Standard Details may also provide additional requirements and guidance. Any changes to the site triangle distance or intersection design in general will require close coordination with the Town Engineer.

Attachment 3 is a more detailed and context-specific version of this standard from St. Petersburg, FL. I think this might be what we are looking for, although the distances used there may not necessarily be the same as we would adopt.

4. **Re-visit restaurant use types to allow more flexibility for hybrid take out/eat in restaurants -**
   The current zoning code lists four types of restaurants: Fast Food, Carry Out/Deli, Night Club, and Sit Down. It does not particularly describe a sit-down restaurant with carry out service, which has become almost commonplace since the COVID Pandemic. This is occasionally an issue with regards to the question of the use and more commonly when trying to determine the appropriate parking requirement.

   I am not sure this is as much of an issue for the use table as it is (or could be) for parking requirements, at least if we assume that carryout is an acceptable activity associated with any type of restaurant. Beyond parking, what is the impact difference for a restaurant that does a moderate carry-out business vs one that does little or none?

   Our parking standards for the various restaurant uses are currently fairly consistent, with a minimum ratio of 1 space per 100 sf GFA and maximum of 1 per 50 for all types except carry-out (which is 1 per 300 and 1 per 200). Given this and the caveat in the paragraph above, I am not sure there is a need to change anything, unless you want to build in flexibility for relief from the minimum parking requirements for any restaurant type when a "significant" portion of the business is anticipated to come from carry-out service. This could obviously be a basis for a parking waiver, but building in administrative flexibility might be appropriate in this specific scenario.

5. **Removing "Parking Districts" from code -** This is an outdated reference to an old code and an old practice whereby businesses located within a defined geographic area could pay a fee in lieu of providing required off-street parking. It was eliminated probably 20 years ago so the reference should be removed from the Zoning Code.

   This will be accomplished (hopefully!) with a simple Search and Delete command.

6. **Revisit minimum parking space requirements -** This is simply a suggestion to look at national standards to make sure we are not out of sync with contemporary recommendations.

   One of the hottest trends in Planning circles currently involves drastic changes to parking standards, highlighted by a handful of communities who have eliminated parking minimums altogether. Such communities have decided to allow parking to be determined by market forces rather than (potentially) prescriptive formulas, many of

which are based on national averages and may be subject to changes in business operations or characteristics over time that are not reflected in the standards.

Our parking ratios were fairly comprehensively updated with the last comprehensive Zoning Code Update in 2021.As such, barring a significant across-the-board change such as that described above, I do not see the need for changes to our parking standards. If there are any specific uses you have concerns about, I will be happy to do some additional research to see what other communities impose.

7. **Change language for parking space dimensions -**
Are our dimensional requirements for parking spaces appropriate?

The dimensional requirements for parking spaces are found in Table 10.1, which is copied below:

Table 10.1

Angle	Minimum Stall Width (W)	Minimum Stall Length (L)	Minimum Aisle Width (Maneuvering Space) (A)
90°	9 feet	18 feet **	24 feet (25')
60°	9 feet	18 feet **	18 feet one-way (16') 22 feet two-way (20')
45°	9 feet	18 feet **	16 feet one-way (12') 22 feet two-way (19')
30°	9 feet	18 feet **	14 feet one-way (12') 22 feet two-way (19')
Parallel	8 feet	22 feet	16 feet one-way 22 feet two-way

** - *Vehicle Overhang: Up to two (2) feet of vehicle overhang into any planter area is allowed provided the planter is a minimum of six feet wide, in this situation the minimum required depth of the parking stall may be reduced by up to two 2 feet When utilizing this option, curbing shall be utilized at the edge of the paved area, rather than wheel stops.*

The standards highlighted in yellow are the recommendations from the 21st Century Land Development Code, a source I frequently reference. The Commission should discuss whether or not they are in favor of changing these (or any other) of our standards. If so, the actual change is easy to make.

8. **Conflicting statements in Article 12 -** Check this section for internal conflicts regarding non-conformities. Also, consider changing from 6 months to 12 consecutive months for a

nonconforming use to be considered to be abandoned unless the use was disrupted due to repair or remodeling.

WIth regards to the time frame for abandonment, that would be a very straightforward change to Section 28-1201 E, as follows:

> E. Any non-conforming use, including the non-conforming use of a lot, parcel or structure that is discontinued or abandoned for a period of ~~six (6) months~~, one (1) year, shall not be resumed thereafter and any future use of lot, parcel, or structure shall conform to the provisions of this Ordinance. Any structure that is moved for any reason for any distance by the owner, shall be required to conform to the regulations for the zoning district in which it is located after it is moved. In the case of any dispute as to whether a non-conforming use is abandoned or discontinued, the burden of proof shall be upon the property owner.

9. **Map Corrections -**
    a. Waterside Village is indicated as CG rather than PUD
    b. Parcel on Creamery and another on Wrightson behind the Seafood Market/Deli are both shown as CG but should have been changed to CB in 2021 Update.
    c. Elliott Road Apartment site in now PUD
    d. Gannon Range site is now PUD
    e. Should we consider changing the base zoning of any part of the properties in the general vicinity of the ill-fated Mansion Apartment on August Street? They are now CB. Was suggested at the meeting that they should be residential, even though until 2021 they were Industrial (I-1).

I think items a through d speak for themselves and simply need to be changed. Item e is potentially subject to further discussion, although so long as the properties in question are also within the PR Overlay, the base zoning is not terribly important except that if it is a residential classification, that does potentially limit the scope/scale of any proposed commercial use. Otherwise, essentially anything can be proposed, subject to site plan approval.

10. **MXW window and door placement standards. -** There is a seemingly contradictory statement that Zach Smith identified that says "The uses on the ground floor shall be visible from and/or accessible to the street through the use of windows and doors on at least 50% of the length of the first floor street frontage. At least 60% or more than 90% of the total surface area of the front elevation shall be in public entrances and windows (including retail display windows)." 28-312.4.4

This is seemingly easy. We just need to decide which provision we would like to see be the standard and eliminate the other (or, figure out a way to clearly distinguish between the two).

11. **MXW LEED standard is outdated -**
    Simply need to change LEED Bronze to LEED Certified.

This is definitely easy and, again, a simple Search and Replace will hopefully fix this issue.

12. **Clean up usage of the terms single-family attached and townhomes -** are these synonymous or is there a difference and if so, what is it and does that affect how each is treated on the use table?

Just a guess, but I am thinking that the term "single-family attached" was originally used in the Zoning Code to disassociate this type of housing from multi-family and the process and/or stigma that was at one time, rightly or wrongly, associated with such uses. I would like to think we have generally moved beyond that now and would favor simply referring to the use as Townhouses or Townhomes. They are, afterall, included amongst the Missing Middle Housing Options. If you agree, this would be another Search and Replace fix, although in this case it would be a fairly extensive one.

Next are the potential amendments that were identified as needing some level of additional discussion. A number of them deal with various issues associated with the Sign Regulations and you specifically grouped those together, so I will include those next:

13. **Revised internal illumination standards for signage -** The current illumination standards for signs are somewhat limited for internal illumination. They are as follows:
    i. Individual backlit letters which are silhouetted against a softly illuminated wall;

    ii. Individual letters with translucent faces, containing soft lighting elements inside each letter; and

    iii. Metal-faced box signs with cut-out letters and soft-glow fluorescent tubes.

    The most common form of internal illumination involves something like item iii, but rarely with metal-faced signs. Instead, they are generally a plastic-like material. They are very common and unless we want to create an even larger number of non-conforming signs, we should probably legitimize them by expressly allowing them in this list, and if we do want to prohibit them, the Code should more clearly make such a statement. There may also be a middle-ground and if so, we should specify what that is. One example of

this is from the City of Alexandria, VA who prohibits internally illuminated translucent ***rectangular*** panel signs (but allows them in other shapes). If the Commission is interested in adding this as a possibility, I suggest we add to this session, something like the following:

iv. Translucent panel signs that are non rectangular in shape.

14. **Revised language regarding signage not being located above the eave line -** The Ordinance currently addresses this issue by stating that:

    B. Wall signs shall not be mounted higher than the eave line or top of the parapet wall of the building and no portions of the sign shall extend beyond the ends of the wall to which it is attached.

    This poses an issue because there are certain roof types where a wall sign would seem appropriate, but are precluded based on this language. A front-facing gable (a la at the Amish Market) is one example. If that is the only configuration where we believe an exception is warranted, the solution may be as simple as revising the language above to something like:
    B. Wall signs shall not be mounted higher than the eave line or top of the parapet wall of the building and no portions of the sign shall extend beyond the ends of the wall to which it is attached. Such signs may extend above the eave line on facades with a front-facing gable roof,in which case such signs shall not extend above the top of the gable.

15. **Removal of fuel price regulations for freestanding signs -** There is actually a State Law that also regulates fuel price signs and our local zoning regulations appear to be at conflict with them. We should either make them consistent, or perhaps eliminate our regulation and simply allow the State law (whatever it is at any given moment) to apply.

The State Law is found in **Maryland Code BUSINESS REGULATION § 10-315 - Advertising signs.** The current Zoning Code allows such signs, but limits them in size to 3 square feet. As I read this State Law, it does not regulate size (and in fact, indicates that such signs are exempt from local zoning number or area limitations), but rather simply requires such signs to be "readable by passing motorists." I think the simplest fix to this issue is something like the following:

H. Signs affixed to the top or sides of an operable fuel dispensing pump ~~shall not exceed three (3) square feet in area~~, per the standards of MD Code Business Regulation Section 10-315, provided such sign ~~and~~ shall only display instructional or price information, and shall not include advertising copy pertaining to any product, sale or promotion.

16. **Freestanding signs where a solid base isn't practical -** Our sign regulations currently require freestanding signs to be constructed on a solid base that is at least as wide as the sign face. We make exceptions in the CB (Central Business) District out of recognition that there likely is insufficient room to accommodate an otherwise permitted freestanding sign given the small lot sizes and the degree to which these lots are usually covered. These properties may have, for example, a post-mounted sign or a projecting sign. Some property-owners in the CG Zoning District have suggested that site constraints limit their ability to comply with this standard as well.

Before adopting changes that grant such relief, I think it is important to determine whether this is actually a widespread problem or relatively isolated to a few properties, possibly with unique circumstances. If the former, it may be legitimate to consider offering some form of relief, but if the latter, that is the textbook example of a Variance for such relief.

I frankly am skeptical that properties in the CG Zoning District are constrained to the point that they cannot locate a sign in conformance with our Regulations. I suspect that instead, they simply do not want to, either for reasons related to cost or a perceived competitive disadvantage. Unless you think our signs standards are too onerous I do not recommend relief in the CG similar to what we offer in the CB. If you want to consider any form of relief, perhaps it is to allow the replacement of a non-conforming sign with one that may not necessarily fully comply with today's regulations, but moves the sign closer (and the more you can detail what that entails, the better).

The remainder of the proposed changes were identified as appropriate for additional discussion, but not sign-related in nature. They are:

17. **Donation Centers -** The proposal that initiated this round of amendments is attached, as prepared by the representative from Planet Aid. If you have been by Giant and seen the "Donation Center" at the far end of the parking lot (next to the main entrance drive between Wal*Mart and the Shopping Center), over the course of the last several months, you will know what they are seeking to legitimize.

18. **Additional differentiation criteria for single family homes -** The current Supplemental Standards for Single Family Detached home differentiation, is as follows:

a. Calculations of Differences in Appearance

1. Differences in bulk and massing shall be reviewed for two (2) lots on either side of the proposed unit on the same side of the street.

2. Where lots are interrupted by an intervening street, parkland or similar feature of at least fifty (50) feet in width, no review shall be necessary.

3. The proposed unit shall be considered different from any vacant lot for which no building permit has been issued without requiring further documentation.

b. Differentiation

The proposed unit shall differ from each other house in at least two (2) of the five criteria listed below, unless the units differ with respect to the number of full stories (#2) then only #2 is required.

1. The unit is a different housing type.

    a. Single-family detached;

    b. Zero lot line (where allowed);

    c. Single-family attached; or

    d. Single-family detached rotated ninety (90) degrees (i.e. the narrower façade fronts the street as opposed to the wider façade).

2. The unit differs in the number of full stories.

3. The unit is served by a different type of garage.

    a. Front-load garage;

    b. Side-load garage;

    c. Rear-load garage;

    d. Detached garage;

    e. Carport; or

f. No Garage.

4. The unit has a different roof type

   a. Gable

   b. Hip;

   c. Gambrel

   d. Mansard;

   e. Roof types a through d rotated ninety (90) degrees; or

   f. Flat.

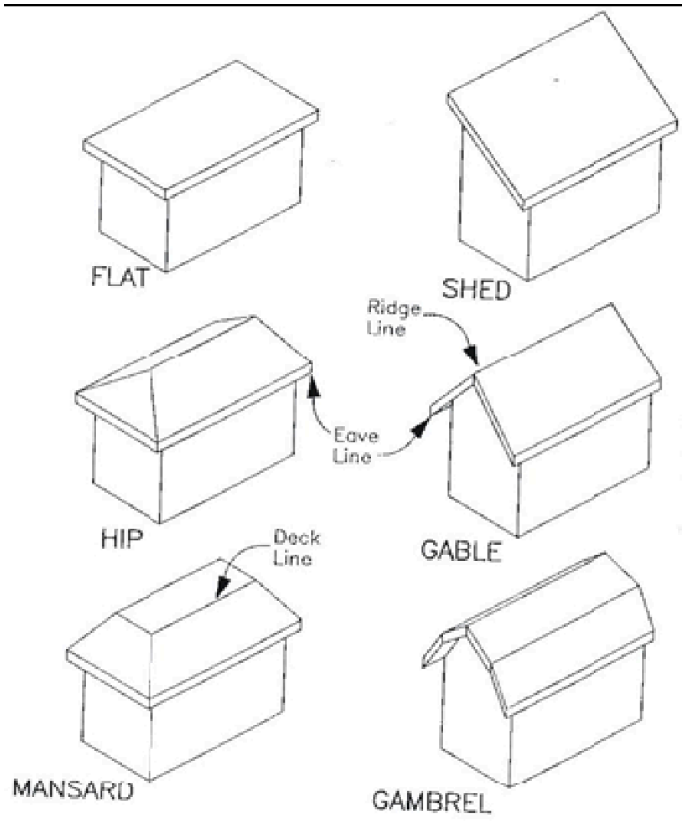


Figure 10.1 Sample Roof Types

5. The unit has variation in the articulation of the front façade.

   a. Garage setback from the front façade of at least four (4) feet;

b. Covered, open walled porch of at least six (6) feet in depth extending at least thirty-three (33) percent of the width of the front façade; or

c. Other articulation of the front façade at least four (4) feet in depth, extending at least thirty-three (33) percent of the width of the front façade.

6. Although not required, differentiation in color between adjacent homes is strongly encouraged.

I would like to add more options for folks to choose from, and if we add enough, require compliance with more of them (e.g., 3 of 7 rather than 2 of 5). Some possibilities:

7. Different cladding materials.
8. Different window sizing and groupings.
9. Difference in number of dormers.
10. Addition of a bay window that projects a minimum of one foot from the front wall, as measured from the ground up.
11. Change of roof pitch of at least two units of change as measured by a roof's vertical rise over its horizontal span (e., 6/12 pitch to 8/12 pitch).

19. **More specifics on what driveway materials are dust free and resistant to erosion -** We have received several requests for gravel driveways, presumably to reduce costs. The zoning ordinance states that "all off-street parking facilities shall be constructed of dust-free materials, have a surface resistant to erosion, drained so as to prevent damage to abutting properties or public streets, and maintained properly by the owner". Historically, gravel and stone were considered to satisfy this standard. More recently, we have interpreted this standard to exclude gravel and crushed aggregate. This prohibition is due to gravel spilling out into the rights-of-way. This is bad for seniors, wheelchairs, and people with physical disabilities or limited mobility. In addition, gravel is eventually compacted and considered an impervious surface (people have made the argument that gravel driveways are good for stormwater infiltration). More consideration and clarification for this standard needs to be made. For example, do we continue to prohibit, but allow exceptions for gravel parking areas for agriculturally-zoned properties, temporary and overflow parking areas, or for areas devoted to commercial vehicle storage? In addition, discussion should be held with the Town Engineer regarding any other equivalent and acceptable paving material(s).

Here is the language in question along with a suggested revision (to at least initiate the discussion):

All off-street parking facilities shall be constructed of dust-free materials, have a surface resistant to erosion, drained so as to prevent damage to abutting properties or public streets, and maintained properly by the owner. Dust free material shall include concrete or bituminous surface. Semi-pervious materials, such as permeable pavers, porous asphalt, porous concrete, grass-crete, or gravel-crete may be be used for residential driveways, vehicle storage areas, designated employee parking areas, or parking spaces provided in excess of the maximum parking requirement (subject to an approved Parking waiver). Any other parking or maneuvering space may utilize semi-pervious materials subject to Planning Commission approval. All off-street parking areas shall be constructed in accordance with the construction specifications as may be developed and maintained by the Town Engineer. Surfaces in areas designated as accessible parking and/or accessible pedestrian paths shall meet all applicable federal and State of Maryland standards.

20. **Food trucks -** The Zoning Code regulates Food Trucks (mobile food uses) on private property. Although food trucks on public property (e.g., on streets or in government-owned parks or parking lots) are also common, those would be regulated in other parts of the Town Code. Currently food trucks on private property are only permitted in limited circumstances:
    a. At an active construction site (the idea being they could provide a lunch option to construction workers).
    b. In association with an approved Special Event (e.g., ABC Store is Having Customer Appreciation Day and as part of the celebration, Food Trucks will be present).
    c. In the Planned Redevelopment District on a site that bears some connection to the principal use (e.g., Four Sisters sells products from their store and Rise Up sells menu items to compliment the coffee shop).

    Along with short-term rentals, Food Trucks are probably the issue I get asked about the most and people are surprised/disappointed by how limiting our rules are. Arguments for allowing them more generally are that they provide more variety in food selection, they provide some lower cost options, they bring a sense of vibrancy to an area, and they can be a way for prospective restaurateurs to get established before moving on to a traditional brick-and-mortar business. The arguments against, in the past, have been primarily two-fold. First, some say they promote a "carnival atmosphere" that Easton has long sought to avoid. Second, there is concern about the impact food trucks may have on traditional restaurants. If the Commission is of a mind that there is a role for more food

trucks in Easton, I believe the two primary objections can be addressed with appropriate supplemental standards.

I believe there are several different variations of food truck uses. One is when food trucks set-up in specified locations, usually on-street, in a public parking lot, or in a park. Here in Easton at least, this scenario would not be regulated by the Zoning Code as it does not specifically address uses in the public realm. Another scenario is when a private property owner wants to establish them permanently or semi-permanently either independently or in conjunction with existing use on the property. This scenario is currently limited to item c above. If you are open to expanding the options for this scenario, I think we would simply delete the phrase "In the Planned Redevelopment District" and say something like "Where indicated as permitted in the Table of Permissible Uses…" You can then maintain the requirement of a connection to the principal use, or delete it and essentially allow a food truck to operate the same as a brick and mortar establishment. A third scenario is one where multiple food trucks are set up on a site. This could be on a permanent basis or Temporarily (and perhaps in association with some special event). Some jurisdictions refer to this by terms such as "Food Truck Court."

I would like the Commission to discuss this issue and indicate the direction they would like to go before proposing something (if anything) for this item.

21. **Parking standards for single-family detached -** Since at least 1976, the parking requirement for single-family detached houses has been two spaces, and the Code has indicated that a driveway with minimum dimensions of 10' by 35' shall be deemed adequate for meeting that requirement. There has been discussion at some of your more recent subdivision reviews concerning the overall appropriateness of this standard. Issues raised include:
    - Garages should count as parking spaces (they never have on the basis that there is no guarantee that they won't become filled up with the homeowners "stuff" and thus not be available for parking).
    - If a driveway of 10' x 35' cannot be provided (or the homeowner does not want to provide it) are there other arrangements that are appropriate and if so, what are the dimensional requirements for them? This is increasingly an issue where we are encouraging houses to be built closer to the street (i.e., with 15' setbacks) and still allowing front-loaded garages.
    - On-street parking should count. The short answer to why it does not is that this is an off-street parking requirement. However, this is now being viewed by many (especially new urbanists and like-minded planners) as a particularly suburban

standard that is detrimental to supporting or reinstating a more urban design in communities. In fact, one of my New Urbanist resources recommends subtracting the amount of on-street parking fronting single family housing, from the required off-street parking. Presumably in most cases this will satisfy the requirement. See also attached discussion from the Form Based Codes book that Tal Bone bequeathed me when he left the Commission. There are a number of good points/observations.

We seem to have multiple options for addressing this issue, depending on how much additional flexibility you want to allow. Starting with the issue of allowing garage space to count as the required parking, while I have not found a jurisdiction which expressly says that garage parking does or does not count, it is in some cases implied. For example, one jurisdiction that I found stipulates that "enclosed space" (which I take to mean a garage and perhaps a carport) may be counted towards the required parking provided that an a[ron is constructed adjacent to the garage that is equal to the width of the garage and a minimum of 20' deep. I presume this is a safeguard against the garage space being filled with "stuff" and thus unable to accommodate vehicles. Another jurisdiction goes even further by actually requiring "a minimum of two (2) enclosed parking spaces with a minimum driveway width of sixteen (16) feet." This jurisdiction also couples this requirement with standards that preclude a front-loaded garage that extends closer to the street than the house does.

I think the solution to this issue may be to build on the existing language and add as many additional options for compliance as you deem appropriate, as follows, for example:

J. Single-family and duplex units may satisfy their off-street parking requirements utilizing any combination of the following options:

(1) A driveway ten (10) feet wide and thirty-five (35) feet long shall be deemed sufficient parking space, for single family or each unit in a duplex.

(2) Space within a structure (e.g.,a garage or carport) may be used towards the satisfaction of the parking requirement provided that a parking apron that is at least as wide as the structure and extends a minimum of 20' away from the structure, is constructed immediately adjacent to said structure.

(3) A parking pad of at least 9' x 18' per space is provided on-site.

(4) ??? (Other options? On-street parking allowance?)

22. **Backing into the Street from a Parking Space** - Another standard that has been part of our regulations since, at least, 1976, is one which states: " All off-street parking spaces, other than for a single family or duplex dwelling, which requires vehicles to back into a public road, street or highway are prohibited." We are finding that this can pose a challenge for infill projects, specifically for potential Missing Middle Housing projects. A thought for consideration - perhaps the limiting factor should not be the use, but rather the type of street onto which such backing would occur. I offer as Exhibit A, the parking lot behind Town Hall, which has a lot more cars backing onto this (admittedly busy) side street than would occur at a MMH type, and yet in 34 years at the Town (most of which has been in an office overlooking this parking lot) I have not witnessed a single accident on this street.

As a starting point for this discussion, I offer the following suggested revision:

> D. All off-street parking space~~s, other than for a single family or duplex dwelling,~~ which requires vehicles to back into a public road, street or highway, other than a residential street (as classified by the Easton Subdivision Regulations) are prohibited.

I would largely defer to Rick on this, but we may also need to consider deleting (or revising) the following standard in conjunction with any changes to item D, above:

> I. No parking spaces except those proposed for single family or duplex residences shall have direct access to a public way.

23. **Clarifying intrusions into easements vs setbacks** - The Code allows for exceptions for certain structures or features to extend into the Building Setback. This is generally not an issue, but it can be when the intrusion is also into//over an easement, which is not uncommon. The beginning of that section along with suggested clarifying language is:

SECTION 28 – 1006 OTHER EXCEPTIONS TO SETBACK REQUIREMENTS

Provided they do not encroach upon any recorded easements, the following features may project into required setbacks as hereinafter set forth.

24. **Subdivision Amendment** - In addition to the foregoing potential Zoning Code Amendments, there is one revision needed to the Subdivision Regulations. In Section

409 (e) Acknowledgements and Notations, we need to add the following required plat note:

A UTILITIES DISTRIBUTION RIGHT-OF-WAY AND EASEMENT IS HEREBY DEDICATED TO THE TOWN OF EASTON IN AND OVER STRIPS OF LAND TEN (10) FEET IN WIDTH ALONG THOSE BOUNDARY LINES CONTIGUOUS TO ANY STREET OR ALLEY AND FIVE (5) FEET IN WIDTH ON EACH SIDE OF SIDE LOT LINES.

Early in the discussion phase of the last Subdivision Regulations Update, this note was flagged for discussion as to whether it was necessary as the preliminary plat standards require that the Applicant shows the proposed location of all rights-of-way and easements. In further discussion with Easton Utilities it was determined that this language is needed and should have been left in the Regulations. Unfortunately, when I cleaned up the document, apparently instead of simply removing the highlighting of this statement, I instead deleted it. The correction is simply to just add the statement back in, where it was and just as stated in the previous version of the document.

Attachment 1 - Proposed Donation Center Text Amendment

1. Donation Bins

a. No person or other legal entity shall place or maintain any Donation Bin on the premises open to the public except when issued a permit by the Building Inspection Division in accordance with this section.

b. All Donation Bins shall be appropriately located so as not to interfere with sight triangles, on-site circulation, required setbacks, landscaping, parking and any other requirements that have been imposed as part of the site plan approval for the property, and shall be placed on a concrete or paved surface.

c. The Donation Bin shall be of a type that is enclosed by use of a receiving door and locked so that the contents of the bin may not be accessed by anyone other than those responsible for the retrieval of the contents.

d. The Donation Bin shall not cover a ground surface area in excess of thirty-one (31) square feet, nor be more than seven (7) feet in height.

e. Donation Bins must be maintained and kept in good repair. The Donation Bins area shall be maintained in a safe, orderly condition. Donation bins shall have no rust, peeling paint or graffiti. The areas around the Donation Bin must be kept clean and free of garbage and debris on the premises where the Donation Bin is located. Each Donation Bin shall be regularly emptied of its contents so that it does not overflow.

f. There shall be no more than two Donation Bins per property.

g. A permit for a Donation Bin shall be required. The permit shall be issued by the Building Inspection Division, but can only be granted in compliance with the following:

i. The Donation Bin is owned by a duly registered organization in good standing in the State of Maryland. The applicant shall submit a statement of declaration of whether the organization is “for profit” or “not for profit”. A “not for profit” must submit proof of the organization’s 501 c (3) designation and a “for profit” must submit proof of the organization’s tax ID as well as name and address of the owner;

ii. Each duly registered non profit organization shall be permitted to have a maximum of eight (8) Donation Bins within the Town of Easton;

iii. The type, size and location of the Donation Bin comply with this subsection;

iv. The applicant submits a leWer of authority/permission from the property owners upon which the Donation Bin is proposed to be located;

v. The name, address and telephone number of the organization is displayed on each Donation Bin;

vi. The general use of any donations or funds raised from the sale of the donations are displayed on each Donation Bin. If the organization is "for profit" the Donation Bin shall be labeled "For Profit" and "Not tax Deductible"; and

vii. All information required to be displayed on the Donation Bin shall be in leWering not smaller than one and a half (1.5) inches tall and must be in contrasting color with the background.

2. Donation Centers

Donation Center – A variation of a Donation Bin that is larger, equipped with lights and monitored via security camera 24 hours per day, seven days per week.

a. Except as hereby modified, Donation Centers shall comply with all Supplemental Standards applicable to Donation Bins.

b. Donation Centers shall not cover a ground surface area in excess of one hundred sixty (160) square feet, nor be more than eight (8) feet in height, exclusive of equipment installed on top of the Donation Center.

c. The Donation Center shall be equipped with lights to provide a safe environment for any citizen who wishes to donate items after dark.

d. The Donation Center shall be equipped and maintained in working condition with 24/7 video monitoring.

e. The Donation Center shall be attended and/or serviced by the organization operating the Donation Center at least three times per week.

f. The Donation Center may not occupy more than four off-street parking spaces.

g. Donation Centers shall be placed on the property of vacant businesses or the parking area of businesses with a clearly demonstrable excess of parking. Such Centers may also be located outside of parking lots on such sites. In either case, such Centers shall be located so as to not interfere with traffic and circulation of the establishment.

h. Donation Centers established at the site of vacant businesses shall cease to operate at said site within 30 days of the Application of a Use and Occupancy permit for the property, unless the new business owner agrees to the continuation

of the Donation Center and can demonstrate that the locational criteria specified in item g above will continue to be satisfied.

i. There shall be no more than one (1) Donation Center within a one (1) mile radius.

j. Any given property may have one (1) Donation Center or two (2) Donation Bins.

Attachment 2 - Form-Based Codes Parking Commentary

(See March Mmeo)

VISIBILITY TRIANGLE REQUIREMENTS

Pedestrians and motorists passing through traffic intersections must be able to see clearly around corners in order to avoid collisions. Clear visibility at intersections of streets, alleys, driveways and sidewalks is a matter of safety.

The ability to see around corners can be impaired by the growth of trees, plants, vehicle parking and even fence installations. Visibility triangle rules require that certain areas of the private property and the abutting City right-of-way be maintained and clear of visibility obstructions.

VISIBILITY TRIANGLE RULES

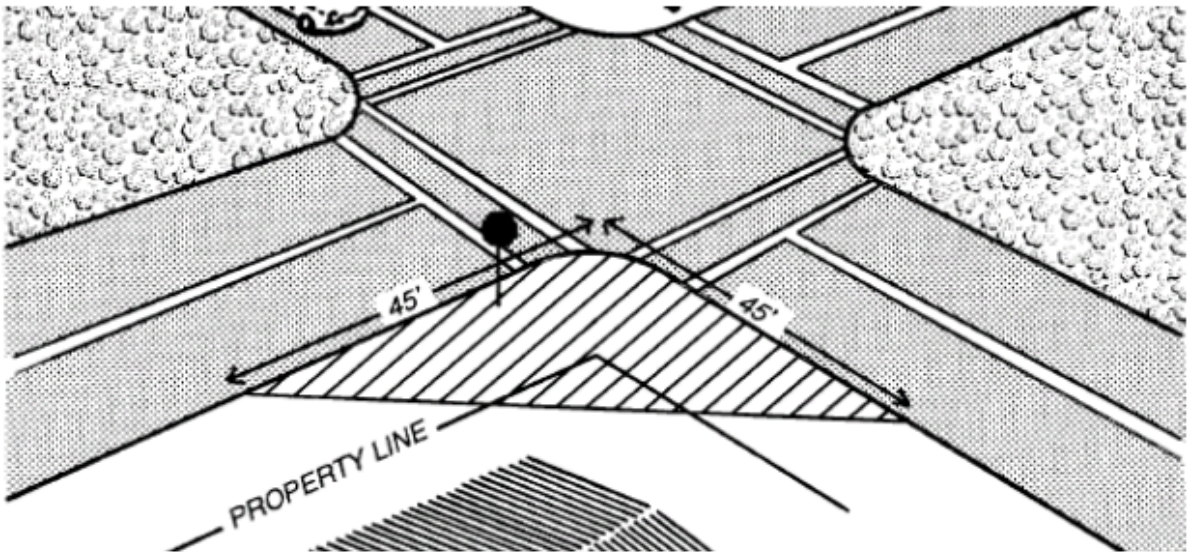
In the measured visibility triangle, the following restrictions apply:

- **No structures** can be placed except fences, walls or berms not higher than three feet
- **No motor vehicle**, trailer or other equipment is allowed to park, stand or stop
- **No vegetation** can be planted or allowed to grow **higher than three feet**, except for one tree on the private property and two trees in the City right-of-way with any tree having **branches no lower than eight feet**

VISIBILITY TRIANGLE DESCRIPTIONS & DIAGRAMS

STREET INTERSECTION

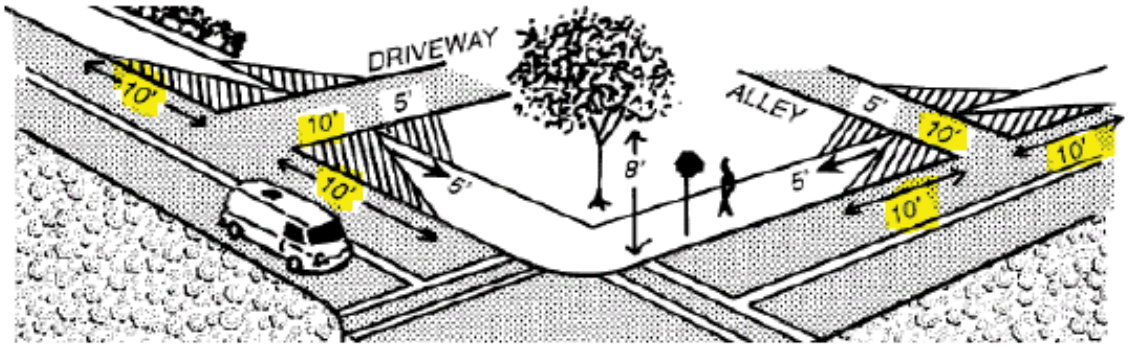
The visibility triangle for a street intersection is a triangle with 45-foot sides, starting at the corner where two curb lines intersect and extending out away from this corner intersection, but still following curb lines.



VISIBILITY TRIANGLE REQUIREMENTS

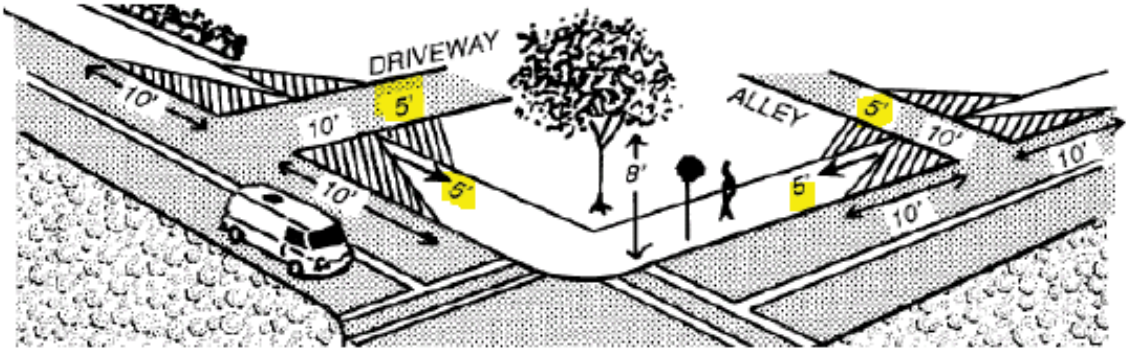
INTERSECTIONS OF ALLEYS OR DRIVEWAYS WITH STREETS

The visibility triangle for intersections of alleys or driveway with streets is a triangle with 10-foot sides extending from the intersection of the curb line but following the edge of the alley or driveway



INTERSECTIONS OF ALLEYS OR DRIVEWAYS WITH SIDEWALKS

The visibility triangle for intersections of alleys or driveways with sidewalks is a triangle with five foot sides extending from the intersection formed using the edge of the sidewalk furthest from the street and the edge of the alley or driveway



EXCEPTIONS

As of April 17, 1998, any lawfully constructed structure (any structure built with a City Building Permit and having received a final approved inspection) is grandfathered and does not have to comply with visibility triangle requirements.

Other visibility triangle exemptions include:

- Benches
- Fire hydrants
- Government signs
- Sign posts
- Traffic control devices
- Utility control devices
- Utility poles

Two types of Zoning Districts – DC (Downtown Center) and CCT-2 (Corridor Commercial Traditional-2) – are not subject to the visibility triangle regulations. This is because many of the existing buildings were allowed to be built years ago, partially in the triangle area, in addition to there being large numbers of traffic signal-controlled intersections which do not require the same degree of visibility.

Regardless of visibility triangle regulations, property owners must take responsibility to trim trees, plants and grass on their property and in the City right-of-way that abuts their property in order to comply with City Codes. Also, in the City right-of-way, property owners must obtain a minor easement and permit from the City's Engineering and Capital Improvements Department to build any structure of any height (for example, a fence).

INCLUSIONARY ZONING ORDINANCE

DRAFT – February 7, 2024

Section 1601 Purpose.

The purpose of this Article is to promote the public health, safety, and general welfare by promoting housing of high quality, located in neighborhoods throughout the community, for households of all incomes, ages, and sizes, in order to promote a culturally and economically diverse population in the Town. Based upon the review and consideration of the Town's officially adopted Comprehensive Plan (2010) as well as subsequent reports and analyses of the housing situation in the Town of Easton, it is apparent that the diversity of the Town's housing stock has declined as a result of rapidly increasing property values and housing costs and a reduction in the availability of housing choices. In light of this situation, the Easton Town Council makes the following findings:

1. It is a legitimate public purpose of the Town to achieve a diverse and balanced community with housing available for households of all income levels. Economic diversity fosters social and environmental conditions that protect and enhance the social fabric of the Town and are beneficial to the health, safety, and general welfare of its residents.

2. The Town is experiencing an increasing shortage of Attainable Housing due in part to the high cost of newly constructed housing. As a result, much of the workforce is excluded from many new neighborhoods, live in overcrowded or substandard housing, and devote an inordinately large percentage of their incomes to pay for housing.

3. In the legitimate pursuit of other worthy and valid goals relative to growth management, redevelopment, and resource protection, the amount of land available for residential development in the Town of Easton is limited, thereby exacerbating the housing supply and affordability problem.

4. The Town recognizes the need to provide Attainable Housing in order to maintain a diverse population and provide housing for those who live or work in the Town and Talbot County.

5. Without intervention, the increasing housing prices is resulting in an inadequate supply of affordable housing for residents and employees, which will have a negative impact upon the ability of the Town to attract new employers; to maintain an adequate work force to retain and expand existing employers; to guarantee the public health, safety, and general welfare of the Town and its residents.

6. The remaining land available and appropriate for new residential development within the Town is limited. It is essential that a reasonable proportion of such land be developed into housing units attainable to households and working families.

7. While this Article provides specific alternatives to the production of on-site inclusionary units, the intent and preference of this Article is for the provision of inclusionary units constructed on-site and privately produced, owned, and managed.

Section 1602 Definitions.

1. Adaptive Reuse: Repurposing of an existing building(s) or structures, often obsolete or historic, for any use(s) other than the present use(s).

2. Affordable Housing Fund: The fund established in Article I of Chapter 13 of the Code of the Town of Easton.

3. Affordable Rental Rates: Based on household income limits that do not exceed the following:

   (a) Very low-income households: one-twelfth of 30 percent of 50 percent of Median Family Income, adjusted for household size, appropriate for the unit or market rent, whichever is less.

   (b) Low-income households: one-twelfth of 30 percent of 60 percent of Median Family Income, adjusted for household size, appropriate for the unit or market rent, whichever is less.

4. Affordable Sales Price: The maximum amount of a mortgage loan that could be obtained based on the monthly affordable mortgage payment, interest rate, and a fully amortized 30-year fixed rate mortgage. The affordable sales price is adjusted based on a reasonable down payment.

5. Applicant or Developer: A person, persons or entity that applies for a residential development and also includes the owner or owners of the property if the applicant does not own the property on which residential development is proposed.

6. Attainable Housing: Housing types, through ownership or rental, that are attainable to those households making 100% or less of the MFI and generally do not spend more than 30% of their income on housing costs.

7. Charges: Expenses the owner of a home pays over the course of owning it. These costs usually include utilities, debt service payments, property taxes, insurance, deferred water and sewer fees, and home owner association fees, among other items.

8. Cash In Lieu Fee: A per-unit fee for for-sale and rental Inclusionary Units as an alternative compliance option when the number of dwelling units proposed through adaptive reuse or conversion of a nonresidential use to residential results in the creation of 30 or more new

dwelling units. The fee is mandatory for new construction or substantial rehabilitation that results in 15 to 24 new residential dwelling units, or for adaptive reuse, or conversion of a nonresidential use to residential that results in 15 to 29 new residential dwelling units.

Cash In lieu Fees as an alternative compliance option are initially established by the Town Council, upon recommendation by the Easton Affordable Housing Board. Mandatory Cash In Lieu Fees are initially established in this Chapter. The Cash In Lieu Fees shall be updated by the Easton Affordable Housing Board on an annual basis and may also include estimated costs of administration.

9. Continued Affordability: The time during which an inclusionary unit is subject to rental price controls and owner occupancy and resale requirements.

10. Covered Project: Any project meeting the criteria of this section shall be deemed a covered project. A covered project is subject to a Town of Easton Housing Inclusionary Housing Plan and Inclusionary Housing Agreement.

11. Density Bonus: Dwelling units approved in a residential development that are in excess of the maximum allowable residential density otherwise permitted by the Town of Easton.

12. Inclusionary Housing Agreement: An agreement between the Town of Easton and an applicant governing how the applicant shall comply with this Chapter.

13. Inclusionary Housing Guidelines: Any requirements for implementation and administration of this Chapter, recommended by the Easton Affordable Housing Board and adopted by the Town Council. Adopted Inclusionary Housing Guidelines may include, but not be limited to, standards for determining household composition; income eligibility and prices for sale and rental of Inclusionary Units; income limit schedules; inclusionary housing costs or Carrying Charges; design guidelines; provisions of continued monitoring of tenant eligibility; and document templates. Guidelines may also specify the contents of the Inclusionary Housing Plan and are updated on a regular basis.

14. Inclusionary Housing Plan: A plan containing all of the information specified in this Chapter, and includes the manner in which Inclusionary Units will be provided in conformance with this Chapter and any adopted Inclusionary Housing Guidelines.

15. Inclusionary Unit: A dwelling unit required by this Chapter to be affordable to very low, low, median, or moderate-income households and subject to recorded affordability restrictions.

16. Low-Income Households: Those households whose income does not exceed 60% of the MFI, adjusted for household size.

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17. Market Rate Housing: Housing that already exists or is part of a proposed development that is based on existing area market values and demand and is not an Inclusionary Unit. Families making above 100% of the Median Family Income qualify for Market Rate Housing.

18. Median Family Income (MFI): An annual estimate calculated by HUD as a function of the area's MFI. The basis for HUD's MFI is data from the American Community Survey. The MFI is adjusted each year by the Easton Affordable Housing Board based on Easton's median income.

19. Median-Income Households: Those households whose income does not exceed 80% of the MFI, adjusted for household size appropriate for the unit.

20. Moderate-Income Households: Those households whose income does not exceed 100% of the MFI, adjusted for household size appropriate for the unit.

21. Monthly Affordable Mortgage Payment: The cost that will be affordable to the specified household at the specified income level as follows:

    (a) Median-income households: one-twelfth of 30 percent times 80 percent of Median Family Income adjusted for household size appropriate for the unit.

    (b) Moderate-income households: One-twelfth of 30 percent times 100 percent of Median Family Income adjusted for household size appropriate for the unit.

    The monthly affordable mortgage payment is adjusted based on property taxes, homeowner association fees, mortgage insurance and property insurance premiums, utility costs, and a reasonable allowance for property maintenance and repairs.

22. Ownership Residential Development: Any development that includes the creation of one or more residential dwelling units that may be sold individually.

23. Priority Preference: Priority preference for the sale or rental of units is given to persons who live or work in the Town of Easton or as otherwise determined by the Town Council.

24. Qualified Housing Organization: A public housing authority, a for-profit company, or a non-profit organization whose mission includes the purpose of providing Attainable Housing.

25. Rental Residential Development: Any development that creates one or more residential dwelling units that are not lawfully sold.

26. Residential Development: Any development that includes residential units for which a development site plan, preliminary plat subdivision, or building permit is required that includes:

(a) The creation of one or more dwelling units;

(b) The substantial rehabilitation of one or more dwelling units;

(c) The creation of dwelling units through adaptive reuse; or

(d) The conversion of non-residential uses to dwelling units.

27. Substantial Rehabilitation: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the structure's market value before the improvement's start of construction.

28. Very Low-Income Household: Those households whose income does not exceed 50% of the MFI, adjusted for household size.

Section 1603 Intent.

The intent of these regulations is:

1. To provide Attainable Housing opportunities and choices for all of Easton's citizens;

2. To mitigate the impact of market rate housing construction on the limited supply of available land suitable for Attainable Housing, thus excluding housing that meets the needs of all economic groups within the Town; and

3. To prevent overcrowding and deterioration of the limited supply of Attainable Housing, and thereby promoting the public health, safety and general welfare of the Town and its residents.

4. To promote the integration of Attainable Housing with Market Rate Housing.

Section 1604 Authority.

These regulations are enacted under the authority of Section 7-401 of the Land Use Article of the Annotated Code of Maryland.

Section 1605 Applicability.

1. Except as otherwise provided in this Chapter, these regulations shall apply to all residential development on a site, or portion thereof, at one location which is the subject of an

application for a development site plan, preliminary plat subdivision, or building permit, whichever comes first.

2. Any revision or modification to an approved Final Site Plan, Final Plat, or Building Permit that would increase the number of residential units are subject to the requirements of this Chapter.

Section 1606 Exemptions.

1. Residential developments proposing less than 15 new dwelling units.

2. This Chapter does not apply to a development that sets aside affordable dwelling units in accordance with Section 42 of the Federal Internal Revenue Code, pursuant to which a restricted covenant is to be recorded in the land records of Talbot County setting forth income limitations of tenants in accordance with the Federal Low Income Housing Tax Credit Program in favor of the Maryland Department of Housing and Community Development or a subsidiary thereof or other governmental entity responsible for administration of the Federal Low-Income Housing Tax Credit Program.

3. A development is exempt from the requirements of this Chapter if, before [insert date], the project has received approval of a development site plan, preliminary plat, or building permit.

4. Projects undertaken by a Qualified Housing Organization, or a continuing care retirement community if at least 10% of the persons renting or purchasing units within the retirement community would be considered eligible to buy or rent an Inclusionary Unit.

5. Accessory Dwelling Units are exempt from the provisions of this Chapter.

6. Any development project undertaken by the Town of Easton is exempt from the requirements of this Chapter.

Section 1607 Inclusionary Housing Requirements.

1. Residential developments proposing between 15 and 24 dwelling units through new construction and/or substantial rehabilitation of existing structures, or the creation of 15 to 29 dwelling units through adaptive reuse or conversion of all or a portion of a nonresidential use to residential use, shall provide a Cash In Lieu Fee for each unit prior to issuance of the first building permit. The initial fees are established in this Chapter and are as follows:

   (a) Average market rate unit price within the development is under $300,000 = $3,000 per permit

(b) Average market rate unit price within the development is $300,000-$500,000 = $5,000 per permit

(c) Average market rate unit price within the development is over $500,000 = $7,500 per permit

2. Residential developments proposing 25 or more new dwelling units through new construction and/or substantial rehabilitation of existing structures or the creation of 30 or more new dwelling units through adaptive reuse or conversion of all or a portion of a nonresidential use to residential use shall provide 10% of the dwelling units in the residential development as Inclusionary Units upon the same site as the residential development as follows:

(a) Ownership residential development. The applicant shall provide:

1) 50% of the Inclusionary Units in the residential development available at an affordable sales price to Median-Income Households

2) 50% of the Inclusionary Units in the residential development available at an affordable sales price to Moderate-Income Households

(b) Rental Residential Development. The applicant shall provide:

1) 50% off the Inclusionary Units in the residential development available at an affordable rent to Very Low-Income Households

2) 50% of the Inclusionary Units in the residential development available at an affordable rent to Low-Income Households

3. In the event only one Inclusionary Unit is required, the Inclusionary Unit shall be provided at the lower required affordability level. In the event the required Inclusionary Units result in a fraction that does not evenly divide by the percentages required above, the required fractional portion shall be rounded up to one Inclusionary Unit.

4. Calculations of the number of Inclusionary Units required by this section shall be based on the number of dwelling units in the residential development, excluding any Density Bonuses.

5. When a residential development includes both ownership and rental dwelling units, the provisions of this Chapter that apply to Ownership Residential Development shall apply to that portion of the development that consists of ownership dwelling units, while the provisions of this Chapter that apply to Rental Residential Development shall apply to that portion of the development that consists of rental dwelling units.

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6. Multiple developments or projects by the same applicant or responsible party within any consecutive twenty-four (24) month period that in the aggregate equal or exceed the above criteria shall be subject to these regulations.

7. An applicant for a development site plan, preliminary plat subdivision, or building permit shall not avoid the requirements of this chapter by submitting piecemeal applications. At the time of the application for first approval for the residential development, the applicant shall identify all contiguous property under common ownership and control. The applicant shall not be required to construct dwelling units upon the contiguous property at the time of the application for first approval; however, the applicant shall be required to include the contiguous property under common ownership or control in its Inclusionary Housing Plan. The Inclusionary Housing Agreement shall be recorded against the residential development and all contiguous property under common ownership or control. The agreement shall require compliance with this Chapter upon development of each contiguous property at such time as there are applications that would authorize a total of 25 or more residential units through new construction and/or substantial rehabilitation of existing structures, or 30 or more residential units through adaptive reuse or conversion of a nonresidential use to residential use, for both the residential development and the contiguous property under common ownership or control.

8. An applicant shall not be exempt from the requirements by submitting phased applications for the residential development. Occupancy permits for no more than fifty percent (50%) of the market rate units shall be issued prior to the issuance of occupancy permits for fifty percent (50%) of the Inclusionary Units. Occupancy permits for no more than seventy-five percent (75%) of the market rate dwelling units shall be issued until occupancy permits have been issued for seventy-five percent (75%) of the Inclusionary Units for the residential development. Occupancy permits for no more than ninety percent (90%) of the market rate dwelling units shall be issued until occupancy permits have been issued for one hundred percent (100%) of the Inclusionary Units for the development.

9. The following information shall be submitted with each building permit application for a market rate dwelling unit within the residential development:

   (a) The total number of dwelling units, market rate units, and Inclusionary Units proposed for the development;

   (b) The number of occupancy permits already issued for market rate units within the development;

   (c) The number of occupancy permits already issued for Inclusionary Units within the development; and

   (d) The lot number or unit number of each Inclusionary Unit for which an occupancy permit has been issued.

Section 1608 Inclusionary Housing Incentives.

1. The developer of a residential development on a base residential zoning district providing all required Inclusionary Units upon the same site as the market-rate units may, at the developer's sole option and concurrently with the submittal of the Inclusionary Housing Plan, may receive a Density Bonus of 20% from the base zoning district.

2. The developer of a residential development providing all required Inclusionary Units upon the same site as the market rate units may receive up to a 20% variance in development standards, including lot size, lot frontage, lot coverage, height, and setbacks, as well as a 20% modification from the required parking standards.

3. New developments proposing 25 or more dwelling units through new construction and/or substantial rehabilitation of existing structures, or the creation of 30 or more dwelling units through adaptive reuse or conversion of a nonresidential use to residential use shall receive:

   (a) A cash subsidy from the Affordable Housing Fund for the deferral of the payment of Impact Fees in accordance with Section 29.5 of the Code of the Town of Easton provided that the Town Council has allocated affordable housing reserves in the general fund as part of the Town's budget process.

   (b) Residential developments that provide at least 20% of the dwelling units as Inclusionary Units shall be eligible for real property tax abatement or a payment in lieu of taxes as established by the Town Council.

Section 1609 Alternative Compliance Options.

1. In the case where Inclusionary Units are provided on-site pursuant to Section 1607 above, the developer shall provide Inclusionary Units at a price or rent approved by the Affordable Housing Board. Nothing in this Chapter precludes the developer from partnering with a Qualified Housing Organization to build the on-site Inclusionary Units provided at least 10% of the units within the development project would be considered eligible to buy or rent by persons at or below the income limitations specified in Section 1607 of this Chapter.

2. Alternatively, the developer may:

   (a) Build at least one and one-half times the required number of the Inclusionary Units of the residential development off-site within the Town limits of Easton on property either owned by the Town or by partnering with a Qualified Housing Organization to build Inclusionary Units.

(b) A developer may also fulfill their off-site requirement by purchasing land within the Town of Easton or the Town's Municipal Growth Areas and donating it to a Qualified Housing Organization or the Town of Easton to build at a minimum one and one-half times the required number of Inclusionary Units.

(c) The developer's proposal for off-site construction of Inclusionary Units is subject to Town Council review and approval. The Town may grant off-site construction approval if the proposal meets all of the following conditions:

1) Off-site Inclusionary Units shall comply with the general requirements defined in Section 1610 and with any adopted Inclusionary Housing Guidelines;

2) Financing or a viable financing plan, which may include public funding, shall be in place for the off-site Inclusionary Units;

3) The off-site location, based on location, size, and existing conditions, is suitable for the proposed inclusionary housing and is consistent with any adopted Inclusionary Housing Guidelines;

4) All entitlements and land development permits have been obtained; and

5) Construction of the off-site Inclusionary Units may not have commenced prior to the first approval of the residential development.

(d) The Town Council may approve a combination of on—site and off-site Inclusionary Units equivalent to providing at a minimum one and one-half times the required number of Inclusionary Units and subject to subsection (c) above.

3. Residential developments proposing the creation of 30 or more dwelling units through adaptive reuse or conversion of all or a portion of a nonresidential use to residential use may provide a Cash in Lieu Fee. A request for a Cash In Lieu Fee shall be made concurrently with the development site plan, preliminary subdivision or building permit application, whichever comes first.

(a) The Town shall not issue a building permit for any market rate housing units until all Cash In Lieu Fees have been paid to the Town of Easton.

(b) Cash In Lieu Fees are to be paid prior to issuance of the first building permit and shall be calculated in terms of current dollars, adjusted by the CPI, at the time the actual contribution is officially transferred to the Town.

(c) Cash In Lieu Fees collected shall be placed in the Affordable Housing Fund to be used by the Easton Affordable Housing Board for their programs.

(d) The density bonus described in Section 1608 of this Chapter may not be used for a project that fulfills the requirement of this Chapter by making a Cash In Lieu Fee payment in lieu of building the Inclusionary Units.

4. When the number of dwelling units proposed through adaptive reuse, or conversion of a nonresidential use to residential use, results in 30 or more units, a developer may propose an alternative compliance method to provide Inclusionary Units through other means consistent with this Chapter and any adopted Inclusionary Housing Guidelines. The Town Council, following a Planning Commission and Affordable Housing Board recommendation, may approve or conditionally approve such an alternative only if the Council determines, based on substantial evidence, that such alternative compliance will provide as many or more Inclusionary Units at the same or lower income levels or will otherwise provide greater public benefit than would the provision of the on-site Inclusionary Units.

Section 1610 Inclusionary Housing Plan and Agreement.

1. An application for the first approval of a residential development shall include an Inclusionary Housing Plan describing how the development will comply with the provisions of this Chapter and the Inclusionary Housing Guidelines. As an alternative to compliance with the basic provisions included in this Chapter, an applicant may propose one of the alternatives listed in Section 1609 of this Chapter as part of the Inclusionary Housing Plan.

2. Any proposed density bonus, variances, modification of parking standards, or other incentives shall be included in the inclusionary housing plan.

3. No application may be deemed complete unless an Inclusionary Housing Plan is submitted. The Inclusionary Housing Plan shall be processed concurrently with the development site plan, preliminary plat, or building permit, whichever occurs first. Before the Town of Easton approves the Inclusionary Housing Plan, the Town must affirmatively find that the Inclusionary Housing Plan conforms to the requirements set forth in this Chapter. The inclusion agreement, described below, shall be recorded prior to the approval of any final site plan, final record plat, or building permit for the residential development, whichever occurs first.

4. The approved Inclusionary Housing Plan for a residential development, or for a building phase in a residential development, where phasing has been approved as part of planning permit approvals, may be amended prior to issuance of any building permit for the residential development or building phase, if applicable. A request for a minor modification of an approved Inclusionary Housing Plan may be granted by the Town Manager or their designee if the modification is substantially in compliance with the original Inclusionary Housing Plan and conditions of approval. Other modifications to the Inclusionary Housing Plan shall be processed in the same manner as the original plan.

5. The Inclusionary Housing Plan shall describe the applicant's marketing plan in conformance with Section 1613 below, which shall comply with all applicable fair housing and discrimination laws and shall not discriminate in the sale or rental of inclusionary units on the basis of race, color, religion, sex, familial status, national origin, marital status, sexual orientation, gender identity, disability, or source of income, with the exception of residential developments that comply with the Housing for Older Persons Act.

6. The applicant shall enter into an Inclusionary Housing Agreement with the Town of Easton, in a form approved by the Town Attorney, to be executed by the Mayor or their designee, to ensure that all the requirements of this chapter are satisfied.

   (a) The Inclusionary Housing Agreement shall be recorded against the residential development prior to approval of any final site plan or final record plat, or issuance of any building permit, whichever occurs first. The agreement shall run with the property for the entire continued affordability period.

   (b) The Inclusionary Housing Agreement shall specify the number, type, location, size, and phasing of all Inclusionary Units, provisions for income certification and screening of potential purchasers or renters of units, maintenance obligations, and the financing of ongoing administrative and monitoring costs, consistent with the approved Inclusionary Housing Plan and any adopted Inclusionary Housing Guidelines, as determined by the Town Manager or designee.

   (c) The Inclusionary Housing Agreement shall define rent and sale price increase procedures, and provide formulas for how resale prices for ownership Inclusionary Units are calculated, including the ability for homeowners to capture some or all of the depreciated value of capital improvements they made to the Inclusionary Unit, and for sharing of excess profits after the control period ends.

   (d) In selecting households for the Inclusionary Units in accordance with this Chapter, the Inclusionary Housing Agreement shall specify preferences that shall be given as described in the Inclusionary Housing Guidelines, if any.

Section 1611 Percentage of Affordable Units.

All covered projects shall meet the percentage requirements for Inclusionary Units as specified in Section 1607. The percentage of Inclusionary units shall be calculated with a base number that excludes any bonus units added to the covered project under Section 1608.

Section 1612 General Requirements for Inclusionary Units.

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1. In addition to design requirements that may be specified in the Inclusionary Housing Guidelines, all covered projects must comply with the requirements set forth in subparagraphs (a) through (g) below:

(a) On-site Inclusionary Units shall be interspersed among market rate units.

(b) In order to assure an adequate distribution of on-site Inclusionary Units by household size, the bedroom mix of Inclusionary Units in any project shall be in approximately the same ratio as the bedroom mix of the market rate units of the project, unless otherwise approved by the Easton Planning Commission.

(c) On-site Inclusionary Units may differ from the market units in a covered project with regard to interior amenities and gross floor area; provided, that:

1) These differences, excluding differences related to size differentials, are not apparent in the general exterior appearance of the project's units; and

2) These differences do not include insulation, windows, heating systems, and other improvements related to the energy efficiency of the project's units;

3) Inclusionary Units shall have at a minimum builder grade finishes on the interior, including appliances, and a basic landscaping package similar to the package included with market-rate units; and

4) The gross floor area of the Inclusionary Units is not less than the following minimum requirements, unless otherwise recommended in the Inclusionary Housing Guidelines approved by the Easton Town Council.

NUMBER OF BEDROOMS	Minimum SIZE
Studios	**600 square feet**
One bedroom	**850 square feet**
Two bedrooms	**1,100 square feet**
Three bedrooms	**1,300 square feet**
Four bedrooms	**1,500 square feet**

(d) The Inclusionary Units shall have the same amenities as the market rate units included within the development, such as access to and enjoyment of common open space, parking, storage, and other facilities in the residential development.

(e) Priority in the sale of on-site Inclusionary Units may be established by criteria specified in the Inclusionary Housing Guidelines;

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(f) Except for household income limitations as set forth herein, occupancy of any on-site Inclusionary Unit shall not be limited by any conditions that are not otherwise applicable to all units within the covered project; and

(g) The final calculations for the number of on-site Inclusionary Units and the initial sales or rental price for these units shall be made prior to the issuance of building permits for the covered project.

Section 1613 For-Sale of Inclusionary Units.

1. The Developer (or designee) is responsible for the screening and qualification of the initial purchaser of a for-sale Inclusionary Unit. The Developer must provide 90 days advance written notice to the Town of Easton and the Easton Affordable Housing Board prior to the initial marketing of the Inclusionary Units for the calculation of the affordable housing cost, as adjusted to an Affordable Sales Price, pursuant to this Chapter and the Inclusionary Housing Guidelines. Final approval of qualified applicants is contingent on approval by the Easton Affordable Housing Board.

2. Every unit shall be first marketed to priority persons, as established by the Easton Affordable Housing Board, for 90 days from the initial marketing period. Following the priority marketing period, a unit may be offered for sale to the general public.

3. The Easton Affordable Housing Board shall establish guidelines for the calculation of the Affordable Sales Price for an Inclusionary Unit within a residential development and the calculation shall be updated yearly thereafter.

4. The purchaser of a for-sale Inclusionary Unit shall execute and consent to the affordability restrictions and other conditions at the settlement of the property. The property shall be sold subject to Covenants in a form approved by the Town Attorney.

5. The Inclusionary Unit shall be the purchaser's primary place of residence.

Section 1614 Rental of Inclusionary Units.

1. The developer, property owner, or property manager is responsible for verifying household income eligibility and for incorporating any applicable priority preference requirements for the selection of households into the screening process.

2. Every unit will be first marketed to priority persons, as established by the Easton Affordable Housing Board, for 90 days from the initial marketing period. Following the priority marketing period, a unit may be offered for sale to the general public.

3. The Easton Affordable Housing Board shall establish guidelines for the calculation of the Affordable Rental Rate for an Inclusionary Unit within a residential development and the calculation shall be updated yearly thereafter.

4. In situations where there are multiple affordability restrictions/income or rent limits set by different funding requirements, the residential development shall adhere to the strictest requirement so it can meet all of the layering restrictions.

5. The maximum Affordable Rental Rates shall be adjusted annually based on the most recently published Household Income Limits by the Easton Housing Affordability Board. The Board shall notify the property owner or property manager of the new rental rates. If the owner chooses to raise rents, the tenant must be given at least a sixty (60) day notice before any rent increase and the opportunity to terminate the lease if the rental amount is unacceptable. This provision does not give the landlord the right to increase the rental amount if the lease provides otherwise.

6. Each residential development containing rental Inclusionary Units shall be subject to an annual compliance process, which shall be specified in the Inclusionary Housing Agreement.

7. Rental Inclusionary Unit tenants will be subject to the same conditions of tenancy as other tenants occupying the same property, except for the requirements provided by this Chapter and terms related to occupancy, income eligibility, annual recertification, limits on rents, and other terms that may be included in the Inclusionary Housing Guidelines.

8. The initial lease term for the rental Inclusionary Unit shall be for one year.

Section 1615 Marketing of Inclusionary Units.

Any applicant developing a covered project shall adhere to the following provisions with respect to the initial offering of Inclusionary Units for sale or rent:

1. The developer and owner shall be responsible for marketing, renting, and selling of all Inclusionary Units.

2. The developer and owner shall notify the Easton Affordable Housing Board and the Town of Easton of the prospective availability of any Inclusionary Units at the time that the building permit is issued for such units in a covered project.

3. The property owner or property manager shall post each vacant rental Inclusionary Unit as soon as possible but not later than ten (10) days after notice of an impending vacancy and provide advanced notice of the opening to the Easton Affordable Housing Board and the Town of Easton.

4. The developer and owner may assign its options under this section to a Qualified Housing Organization dedicated to the provision of Attainable Housing, in which event it shall notify the Easton Affordable Housing Board and the Town of Easton of the organization to which it has assigned the option. The Qualified Housing Organization shall deal directly with the developer and owner. The Qualified Housing Organization and the organization's plan for the property shall be subject to approval by the Easton Affordable Housing Board.

Section 1616 Continued Affordability Requirements.

All covered projects shall comply with the following provisions to ensure continued affordability of Inclusionary Units provided under this Chapter and required to be continually affordable under Section 1606.

1. Continued Affordability Requirement. All inclusionary rental units shall remain affordable for a period of no less than thirty (30) years commencing from the date of initial occupancy of the units. Ownership residential Inclusionary Units shall remain affordable for a period of no less than twenty (20) years commencing from the date of initial occupancy of the units. The first sale of an Ownership residential Inclusionary Unit after the control period shall pay Fifty Percent (50%) of the net profits over the maximum resale price calculation and after permitted allowances to the Easton Affordable Housing Fund.

2. Deed Restrictions. Provisions to ensure continued affordability of Inclusionary Units shall be embodied in legally binding agreements, covenants, and/or deed restrictions, which shall be prepared by the developer, but which shall not be recorded or filed until reviewed and approved by the Town Attorney with such modifications as it may deem necessary to carry out the purpose of this article. Any adopted Inclusionary Housing Guidelines may include standard documents.

3. Purchase Option. Provisions for continued affordability of Inclusionary Units shall provide that the Easton Affordable Housing Board or its designee shall have an exclusive option to purchase any Inclusionary Unit when it is offered for resale. The purchase option shall be for a period of ninety (30) days from the date on which the Board is notified of the availability of the unit. The purchase price shall be calculated as per the appreciation allowances specified in the deed restrictions and the Inclusionary Housing Agreement.

4. Leasing/Subletting Restrictions. Provisions for continued affordability of Inclusionary Units shall prohibit subletting or leasing of the property. This provision may be waived by the Easton Affordable Housing Board in writing to allow a temporary rental of the Inclusionary Unit for good and sufficient cause under terms that may be specified in the Inclusionary Housing Guidelines.

Section 1617 Transfer of Development.

For all approved covered projects that transfer ownership of the approved development, the new owner or developer shall be subject to all sections of this Chapter.

Section 1618 Enforcement.

Violations of this article shall be punishable as provided by Article X of this Chapter.

Section 1619 Administration.

1. Approved site plans and/or record final subdivision plats shall identify the specific number and location of each type of unit, by bedroom count, which are to be regulated as Inclusionary Units and a tabulation that demonstrates that the number of units provided satisfies the number of required units.

2. Written documentation and/or plans demonstrating that the affordable housing units are in conformance with Section 1609.1(d) shall be provided to the Office of Permits and Inspections prior to building permit issuance for the Inclusionary Units.

3. The Easton Affordable Housing Board shall monitor activity under this article and shall provide a report no less than every two (2) years to the Town Council, setting forth its findings, conclusions and recommendations for changes that will render the program more effective. The report described above shall be presented to the Town Council at a public meeting.

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National Association of REALTORS®

Talbot County, MD
Smart Growth
July 2022

American Strategies designed and administered this telephone survey conducted by professional interviewers. The survey reached 325 adults, age 18 or older, who indicated they were registered to vote in Talbot County, Maryland. The survey was conducted July 18-21, 2022.

Sixty-eight percent of respondents were reached on wireless phones, six percent on VOIP phones, and twenty-seven percent on landlines. Quotas were assigned to reflect the demographic distribution of Talbot County, Maryland. The sample was drawn from a third-party vendor file. The overall margin of error is +/- 5.4%. The margin of error for subgroups is larger and varies.
Percentage totals may not add up precisely due to rounding.

AMERICAN STRATEGIES

Executive Summary

Residents of Talbot County are overall very satisfied with their quality of life. They value both the historic nature of Talbot's towns and villages and its natural resources, but also understand the need for additional housing – and in particular for more affordable housing for young people and those with lower incomes. Residents are supportive of efforts to develop underused land, so long as this does not impact the natural or historic attractiveness of the county.

- **Residents rank the quality of life in Talbot very highly (86 percent excellent/good).** Nearly four-in-ten (38 percent) say the quality of life is excellent while another 48 percent call it "good." These numbers vary based on location and income, with lower-income households less likely to rank it as "excellent."
- **Affordable housing, the cost of living, and homelessness account for 24 percent of voters' top concerns.** When asked to name in their own words the biggest issue facing Talbot County decisionmakers, residents most often cite housing or cost of living issues like affordable housing (13 percent), homelessness (4 percent) or inflation. Many are also concerned about overcrowding and development (16 percent).

Executive Summary

- **Protecting Talbot's quality of life is a major policy priority for residents, but residents are also concerned about affordable housing.** Protecting the county's coast, rural areas and historic character top the list of resident's priorities for local elected officials, but fifty-one percent also say "creating more housing that is affordable to low and middle-income people" is a top priority.
  - Younger residents, Easton residents, and women are more likely to see housing affordability as a top priority.

- **A majority of Talbot residents consider the county's stock of available housing to be a "fairly big" or "very big" problem (60 percent total), and that housing affordability is a problem (66 percent total)**. This was especially pronounced among Easton residents and non-homeowners.

- **Sizeable majorities of residents believe that there is too little housing for people with low incomes and people just starting their careers.** Non-owners and Easton residents also report that there is too little housing available to rent full-time.

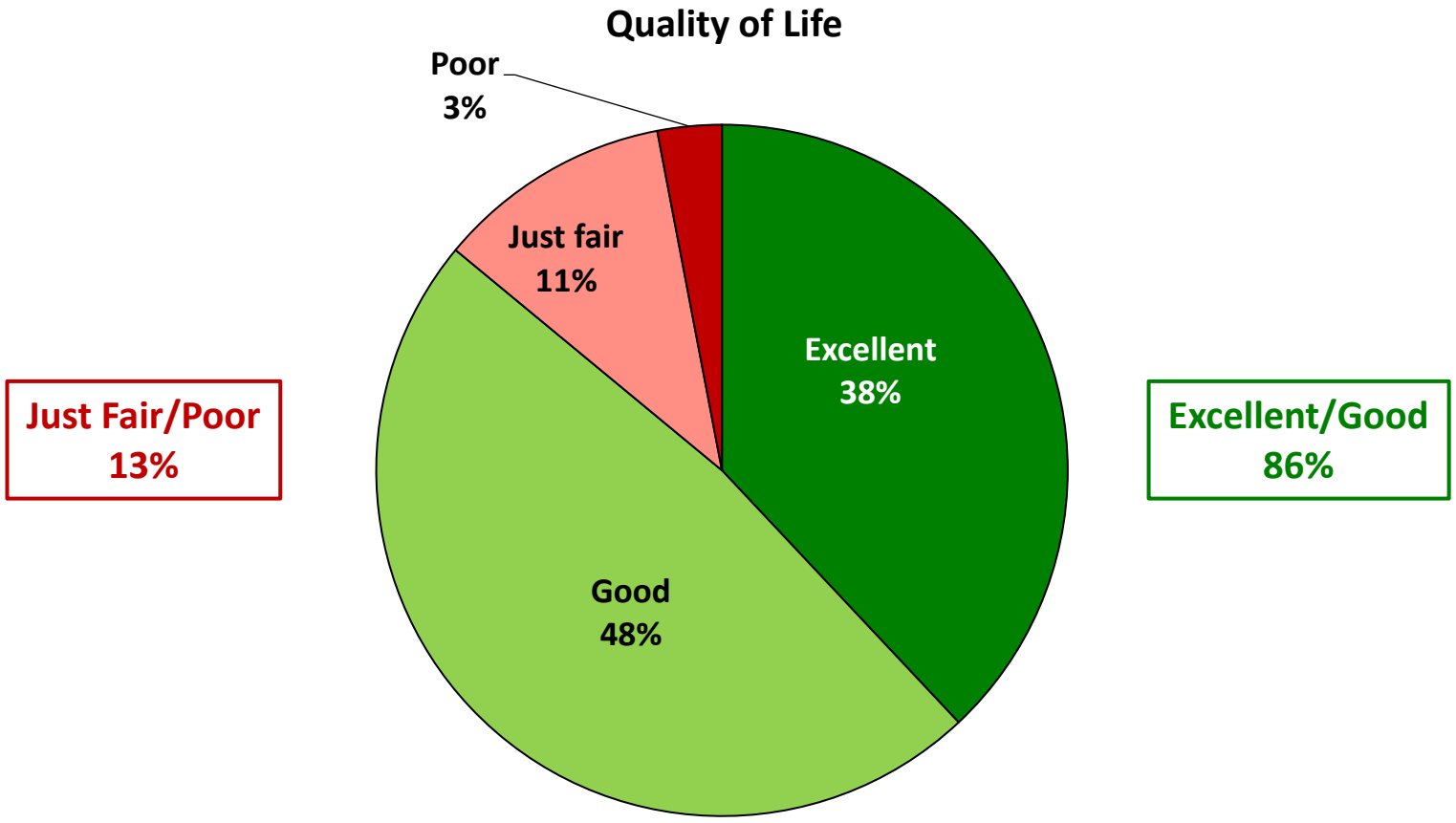
Executive Summary

- **Talbot County residents support a range of government-led proposals to increase housing opportunities for the county.** Sixty-seven percent of residents favor (36 percent strongly) a proposal that requires developers to set aside sub-market rate housing for new projects, and 62 percent favor (22 percent strongly) providing tax breaks to developers who do so.
  - Younger women and non-owners are most supportive of these proposals; older residents are least supportive.
  - Support for most of these proposals lack intensity.

- **Residents support utilizing under-developed land for housing**. A majority of residents (61 percent) support Easton annexing unincorporated land from Talbot County as a means to increase housing opportunities and 74 percent support the practice of infill development.
  - While there is some intensity to support for annexation and infill development, most are only "somewhat" supportive of these two measures. It is unclear how existing support would hold up under opposition.

Mood and Priorities in Talbot County

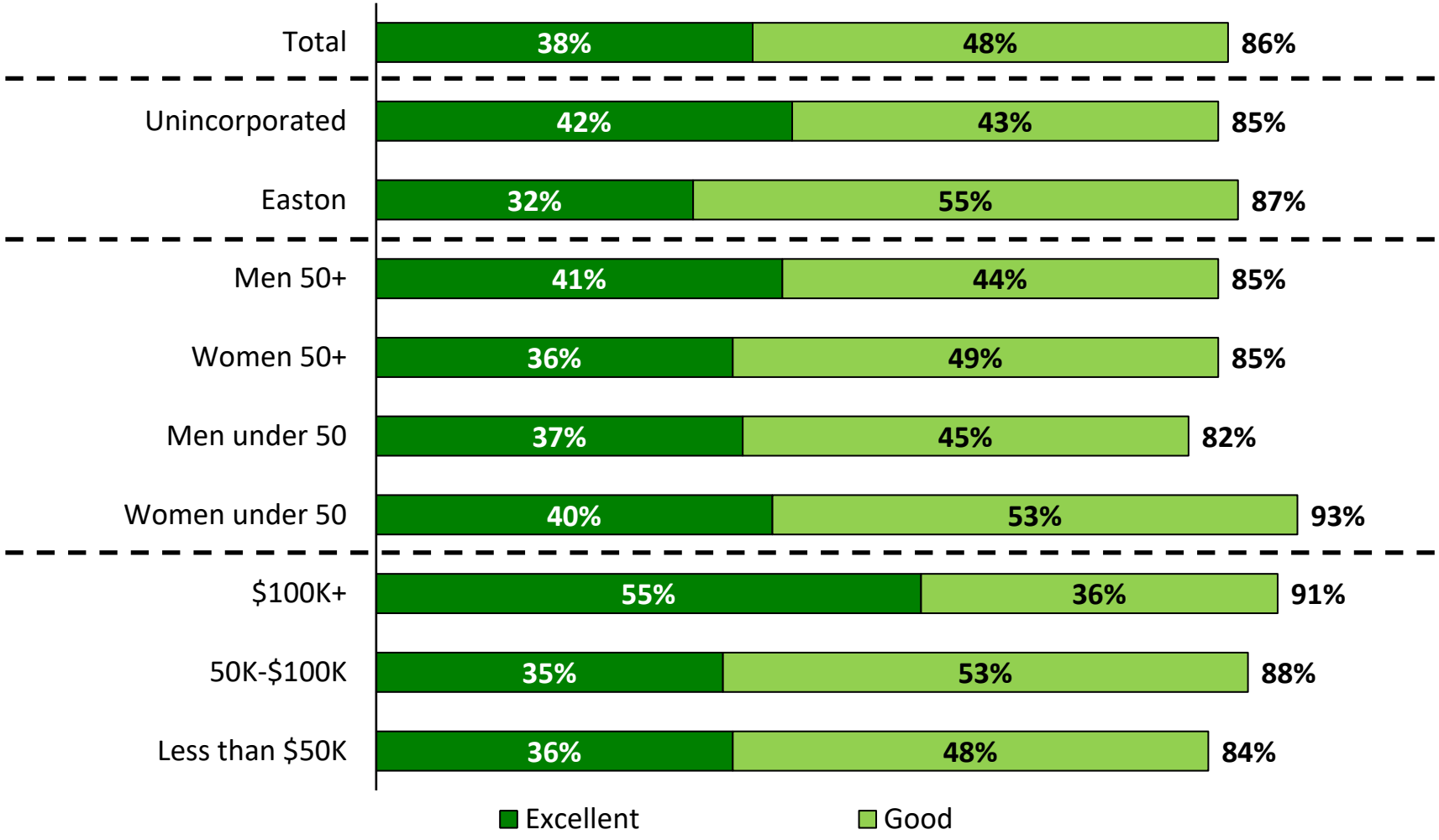
Almost Nine-in-Ten View Quality of Life in Talbot County as Excellent or Good



Q.3 Overall, how would you describe the quality of life in Talbot County - (ROTATE FIRST TO LAST, LAST TO FIRST) excellent, good, just fair, or poor?

Quality of Life is High Across Demographic Groups; Intensity Varies

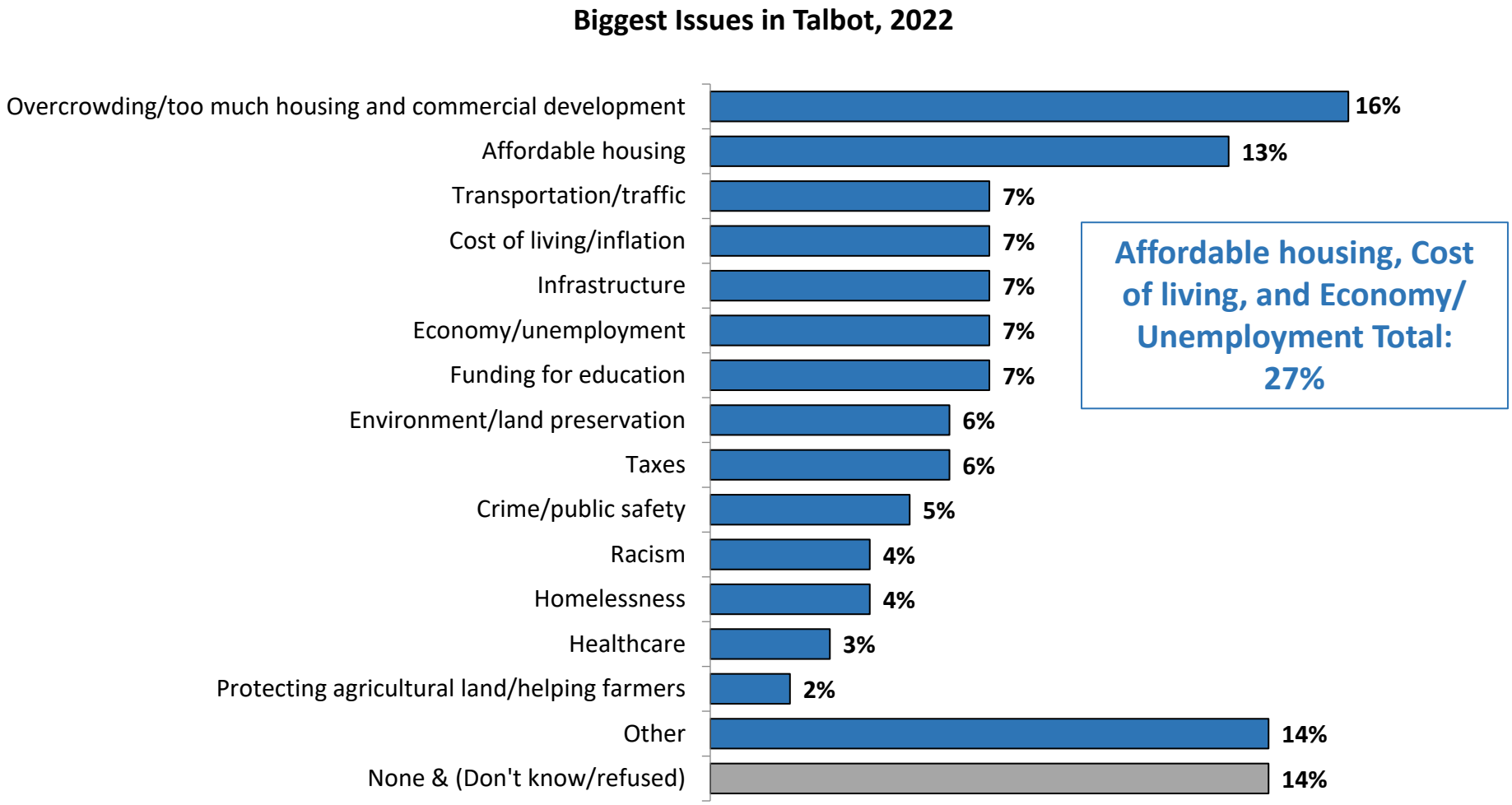
Quality of Life "Excellent/Good" by Municipal District, Gender/Age, and Income



Q.3 Overall, how would you describe the quality of life in Talbot County - (ROTATE FIRST TO LAST, LAST TO FIRST) excellent, good, just fair, or poor?

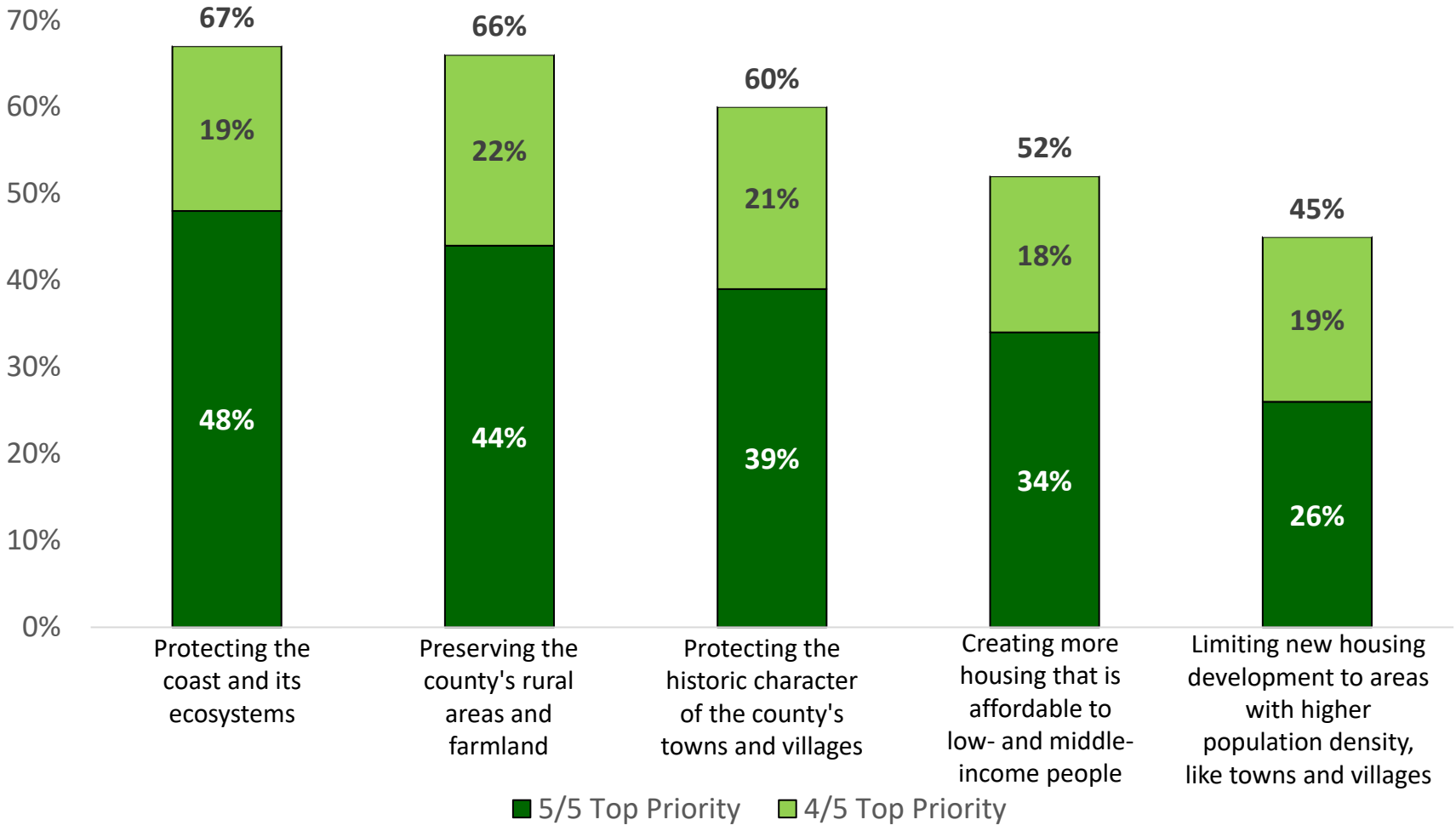
Voters Most Often Cite Overcrowding as Their Top Issue

Affordable housing and cost-of-living considerations rank higher in total



Q.4 And in your own words, what would you say is the biggest issue in Talbot County that you would like the county government to focus on?

Residents Place a High Priority on Protecting the County's Environment, Rural Areas, and Historic Character



Q.5 Next, I am going to read some issues that people say should be a priority for county and town governments in Talbot County. Please rate each of the following using a scale of one to five, where one means that issue is not a priority for you at this time, and five means that issue is a top priority for you at this time.

Protecting the Countryside and Historic Character of Towns More Important to Homeowners, Older Female Residents

Affordable housing more important to non-homeowners

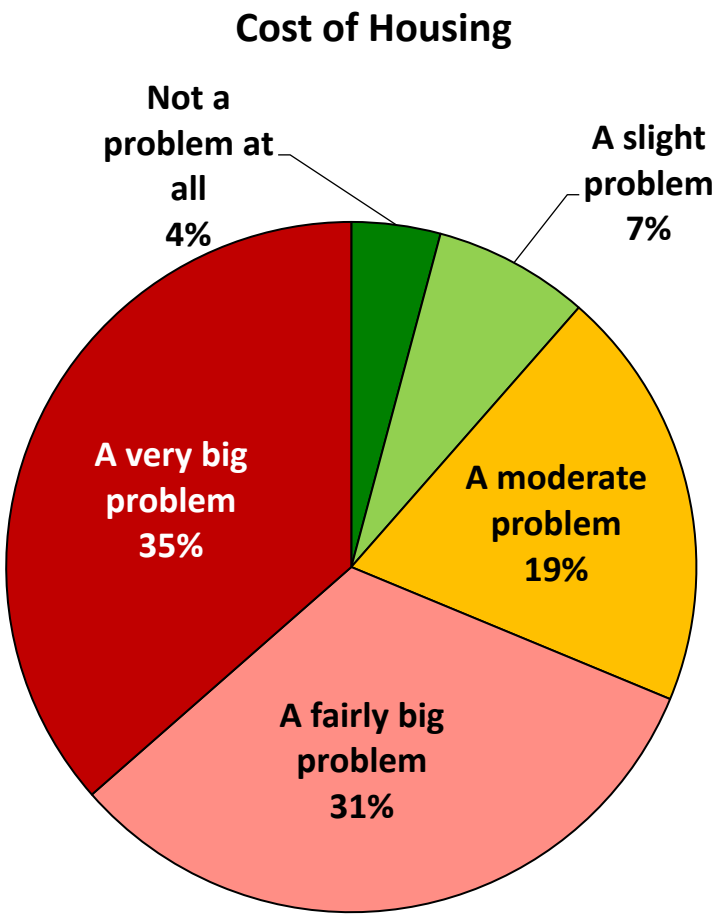
4-5 Scores by Region, Gender/Age, and Homeownership Status	Total	Younger Men	Older Men	Younger Women	Older Women	Own	Total Non - owner
Protecting the coast and its ecosystems	**67**	63	63	67	75	71	61
Preserving the county's rural areas and farmland	**66**	60	59	68	72	71	55
Protecting the historic character of the county's towns and villages	**59**	52	57	45	71	64	45
Creating more housing that is affordable to low- and middle-income people	**51**	48	39	55	64	44	61
Limiting new housing development to areas with higher population density, like towns and villages	**44**	45	41	35	51	47	33

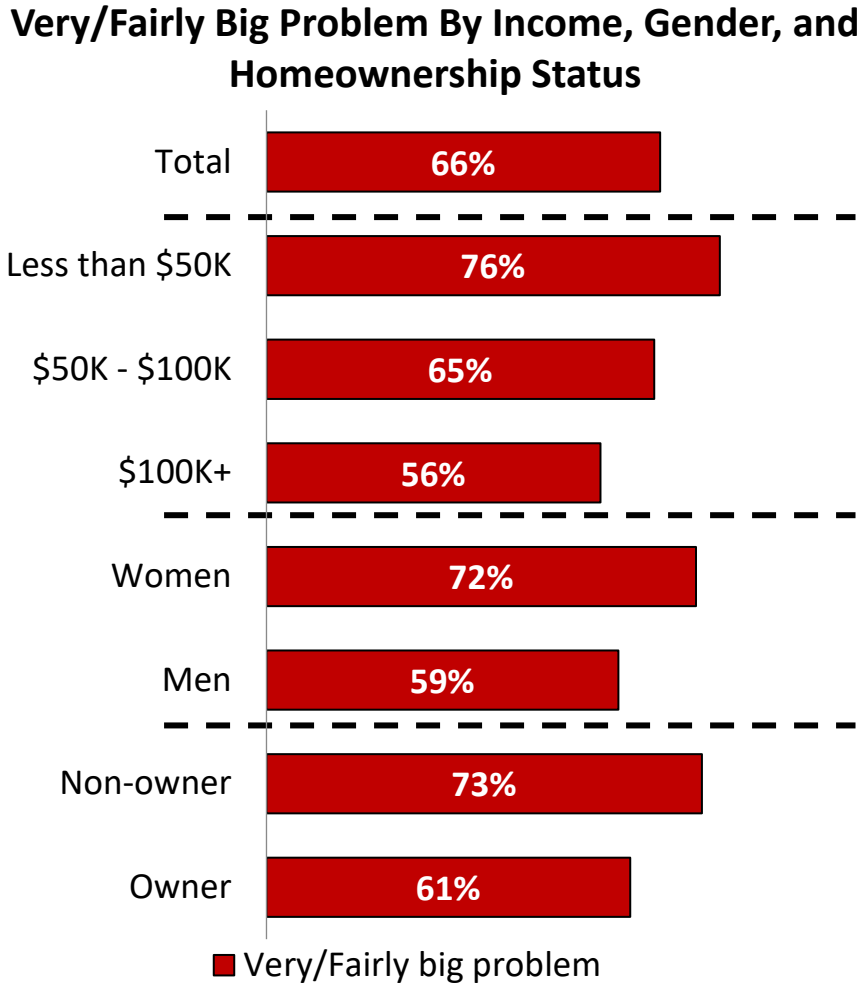
Q.5 Next, I am going to read some issues that people say should be a priority for county and town governments in Talbot County. Please rate each of the following using a scale of one to five, where one means that issue is not a priority for you at this time, and five means that issue is a top priority for you at this time. Of course, you can use any number between one and five, the higher the number the higher the priority you place on that issue.

Housing Costs & Development

Nearly Seven-in-Ten Say Housing Affordability is a Big Problem

Women, non-homeowners, and lower-income residents most likely to see it as a major issue



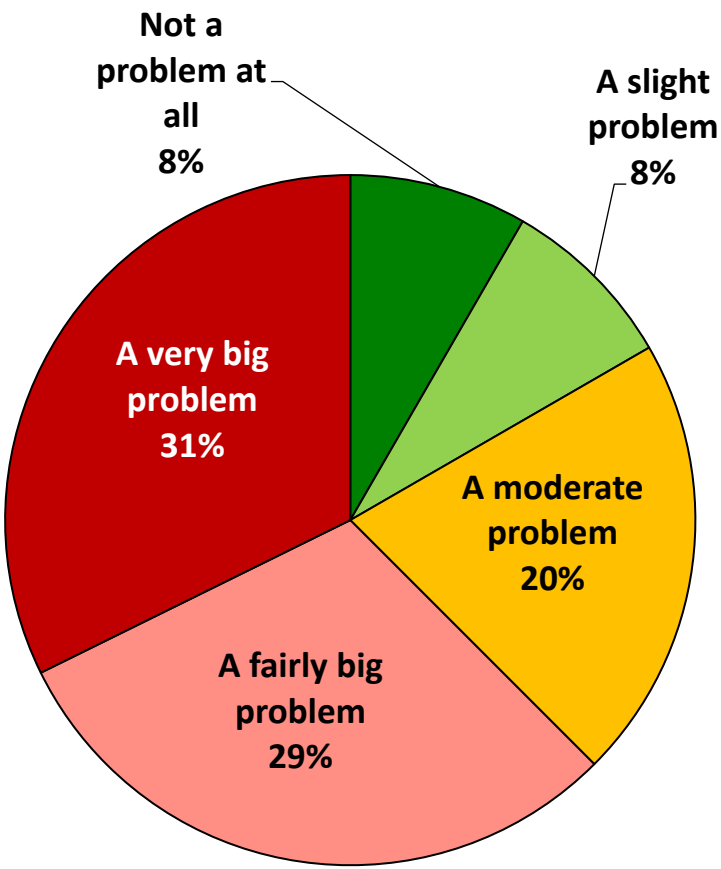


Q.7 (ROTATE Q.6 AND Q.7) In general, how much of a problem is housing affordability in Talbot County, including its towns and villages? That is to say, how much it costs to buy or rent a home?

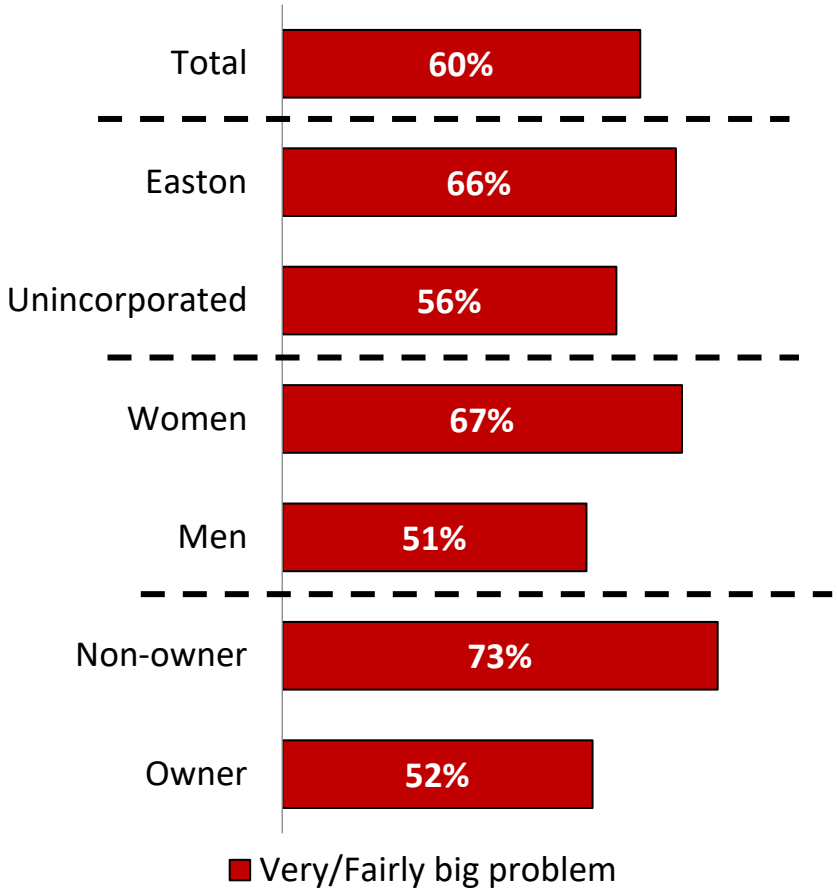
Six-in-Ten Say Housing Availability is a Big Problem

Easton residents, women, and non-homeowners most likely to see it as a major issue

Housing Availability

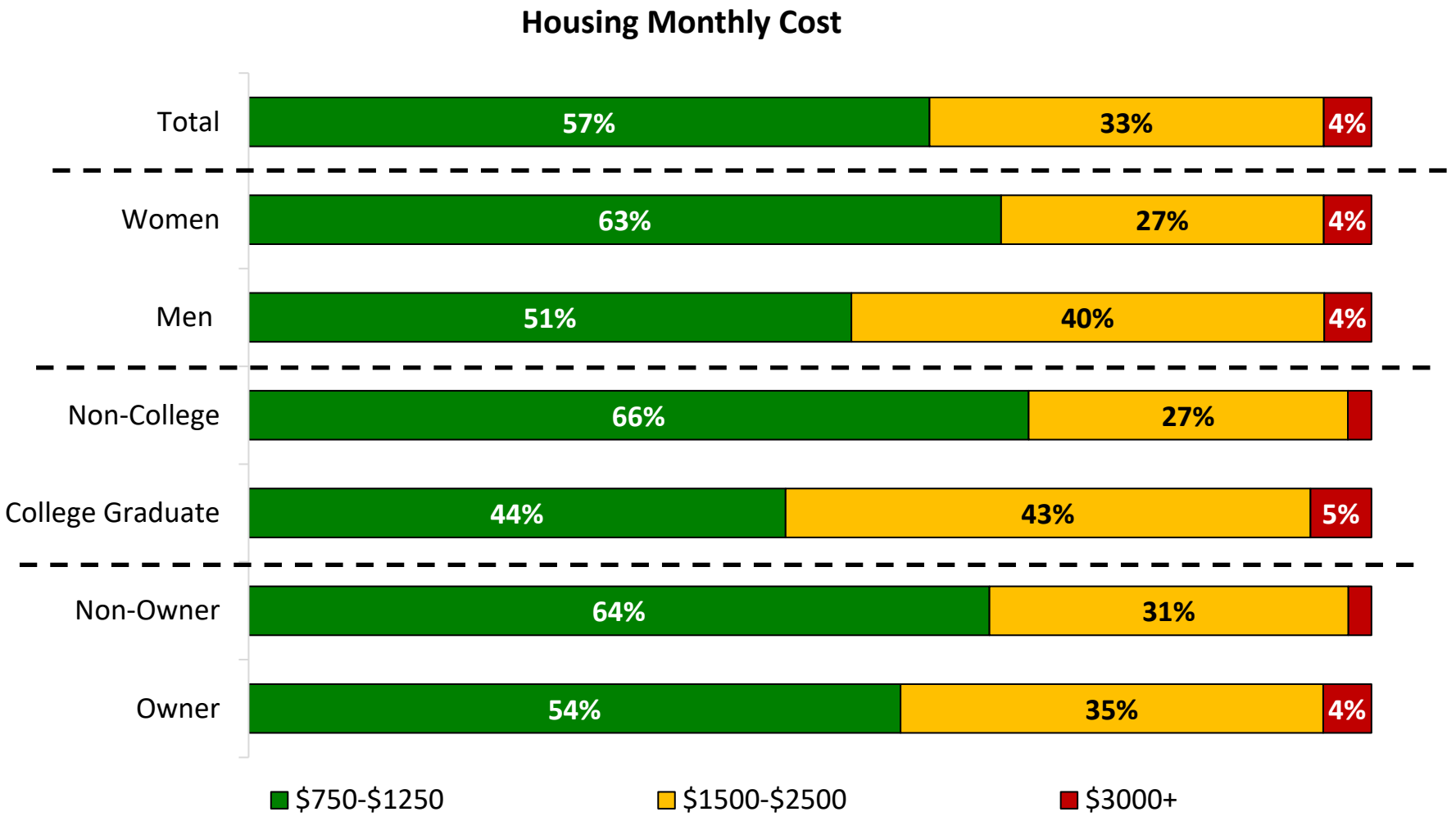


Very/Fairly Big Problem By Region, Gender, and Homeownership Status



Q.6 Next, I am going to ask you some questions about housing in Talbot County. (ROTATE Q.6 AND Q.7) In general, how much of a problem is the availability of housing in Talbot County, including its towns and villages? That is to say, the number of homes, condominiums, or apartments that are available to buy or rent?

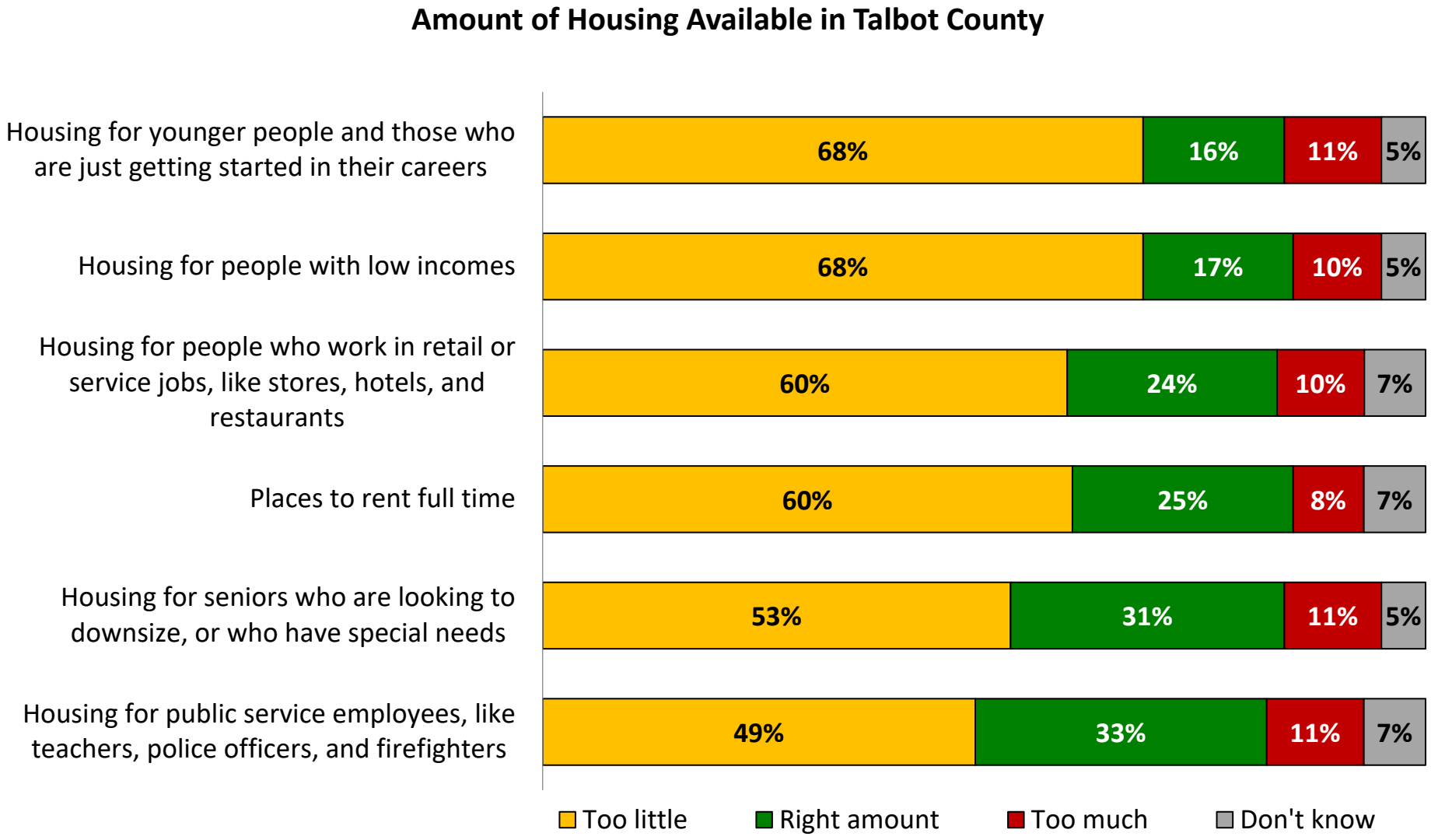
Most Residents Define "Affordable" Rent/Mortgage As Below $1250 per Month



Q.8 In general, what would you say is the monthly cost for housing that is affordable for most families in Talbot County? In other words, what do you think most families in your community can afford to pay for their rent or mortgage each month? Just stop me when I get to the right amount. (READ OPTIONS TOP TO BOTTOM)

AMERICAN STRATEGIES

Most Agree: Too Little Housing in Talbot County



Q.9 Still thinking about housing, please tell me if you think there is (ROTATE TOO MUCH/TOO LITTLE) too much, too little, or the right amount of each of the following in Talbot County, including its towns and villages.

Most Say Too Little Housing for Low Income, Younger People

Non-owners, Easton residents concerned with full-time rentals

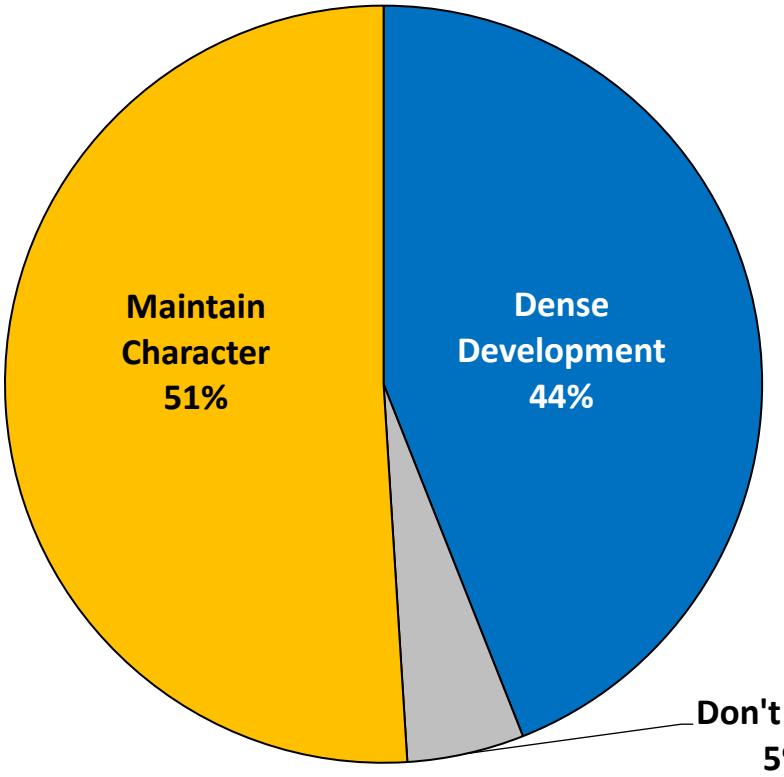
Too Little Housing by Region, Gender/Age, and Homeownership Status	Total	Easton	Unincorp / Other	Own	Total Non - owner
Housing for people with low incomes	***68***	74	65	64	76
Housing for younger people...	***68***	71	66	61	78
Housing for people in the services industry	***60***	59	61	56	67
Places to rent full time	***60***	66	57	54	72
Housing for seniors...	***53***	53	54	47	63
Housing for public service employees...	***49***	57	44	44	58

Q.9 Still thinking about housing, please tell me if you think there is (ROTATE TOO MUCH/TOO LITTLE) too much, too little, or the right amount of each of the following in Talbot County, including its towns and villages.

Policy Proposals

Voters Split on Maintaining Character vs. More Dense Development

(MAINTAIN CHARACTER) We need to maintain the character and quality of life in Easton by limiting the construction of new housing and protecting existing neighborhoods.



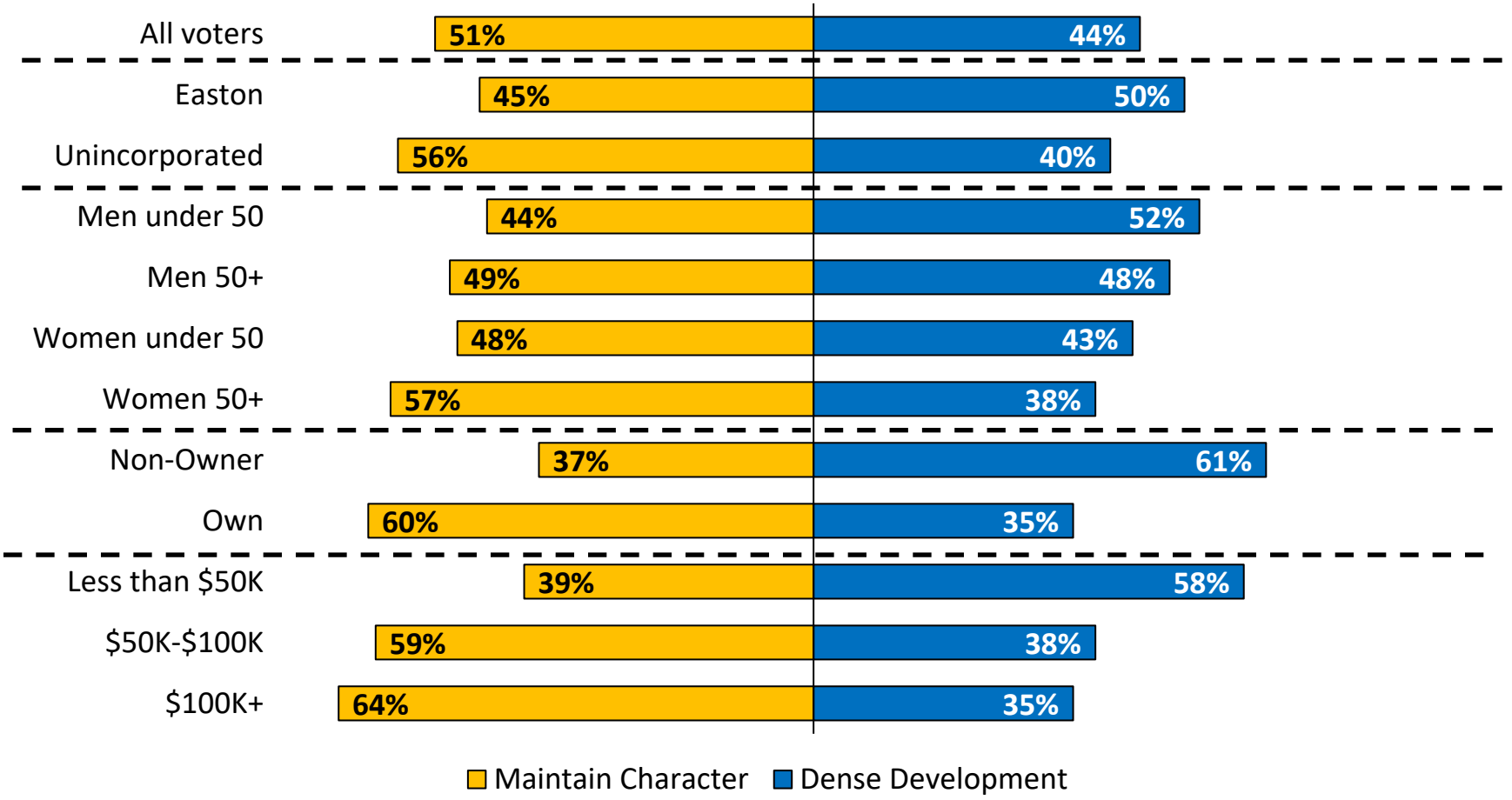
(DENSE DEVELOPMENT) We need more dense development in Easton that creates more housing options that fit the town's character in order to increase the supply of housing and bring down costs.

Q.13 As you may know, housing density refers to the number of homes or apartments that are allowed in a neighborhood, city, or county area. I am going to read two statements about housing density IN THE TOWN OF EASTON. Please tell me which one comes closer to your way of thinking, even if neither one is exactly right.

Voters Split on Character vs. Density

Easton residents, younger men, non-property owners, and lower-income residents most attracted to density

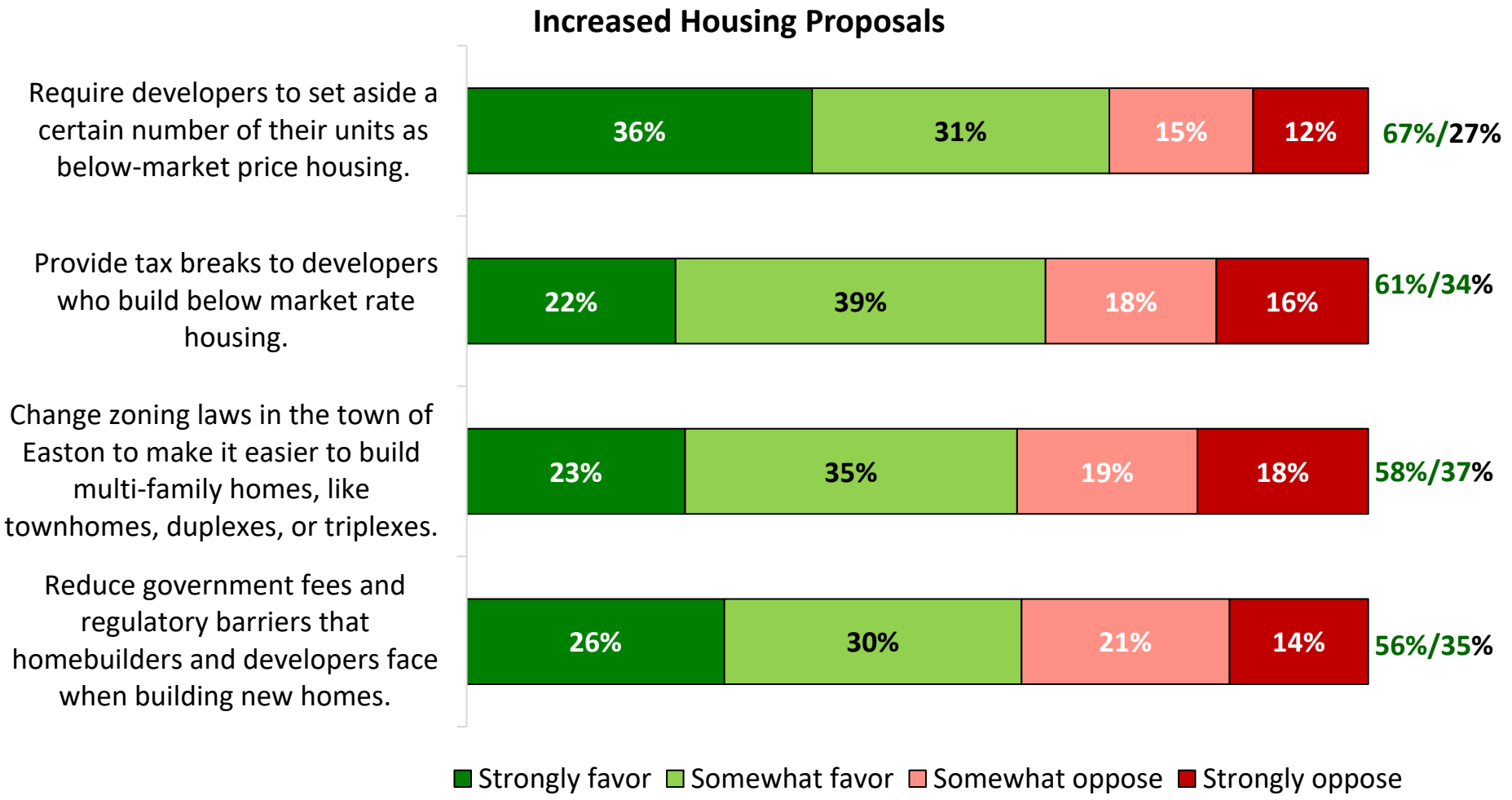
Views on Housing Density



Q.13 As you may know, housing density refers to the number of homes or apartments that are allowed in a neighborhood, city, or county area. I am going to read two statements about housing density IN THE TOWN OF EASTON. Please tell me which one comes closer to your way of thinking, even if neither one is exactly right.

Residents Broadly Approve of Housing Proposals

Affordable housing requirements for new developments and tax breaks for affordable housing most popular



Q.10 Next, I am going to read to you some proposals intended to increase housing opportunities for Talbot County residents. For each one, please tell me whether you (ROTATE) favor or oppose that proposal.

Easton Residents, Younger Residents, Non-Owners More Supportive of Policies Overall

Older women and owners are least supportive of changing zoning laws and reducing government barriers for developers

Total Favor Housing Proposals by Region, Gender/Age, and Homeownership Status	Total	Easton	Unincorp / Other	Younger Men	Older Men	Younger Women	Older Women	Own	Total Non - owner
Require developers to set aside a certain number of their units as below-market price housing.	***67***	66	67	65	60	78	67	63	74
Provide tax breaks to developers who build below market rate housing.	***62***	67	58	69	57	70	58	56	72
Change zoning laws in the town of Easton to make it easier to build multi-family homes, like townhomes, duplexes, or triplexes.	***57***	67	51	61	58	65	51	52	64
Reduce government fees and regulatory barriers that homebuilders and developers face when building new homes.	***56***	55	57	66	61	60	45	53	61

Q.10 Next, I am going to read to you some proposals intended to increase housing opportunities for Talbot County residents. For each one, please tell me whether you (ROTATE) favor or oppose that proposal.

AMERICAN STRATEGIES

Non-Owners, Younger Women, and Easton Residents Strongly Favor Requiring Developers to Plan for Affordability

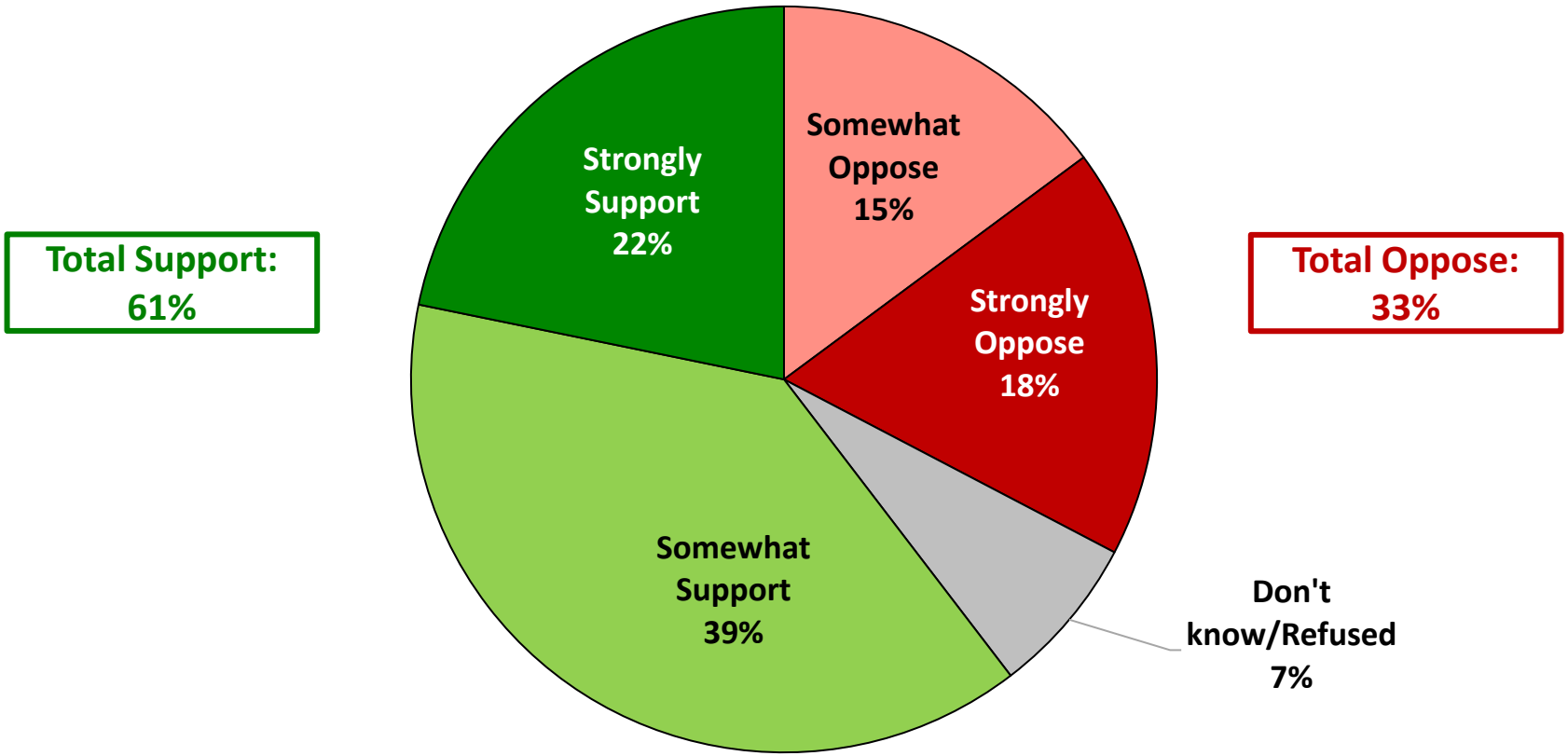
Strongly Favor Housing Proposals by Region, Gender/Age, and Homeownership Status	Total	Easton	Unincorp / Other	Younger Men	Older Men	Younger Women	Older Women	Own	Total Non - owner
Require developers to set aside a certain number of their units as below-market price housing.	***36***	40	33	27	36	43	36	33	43
Reduce government fees and regulatory barriers that homebuilders and developers face when building new homes.	***26***	29	25	31	34	27	17	25	29
Change zoning laws in the town of Easton to make it easier to build multi-family homes, like townhomes, duplexes, or triplexes.	***23***	27	20	19	30	23	19	20	28
Provide tax breaks to developers who build below market rate housing.	***22***	26	19	27	22	22	22	21	26

Q.10 Next, I am going to read to you some proposals intended to increase housing opportunities for Talbot County residents. For each one, please tell me whether you (ROTATE) favor or oppose that proposal.

Majority of Residents Support Annexation

Though most do not feel strongly one way or another

Views on Town of Easton Annexing Unincorporated Land

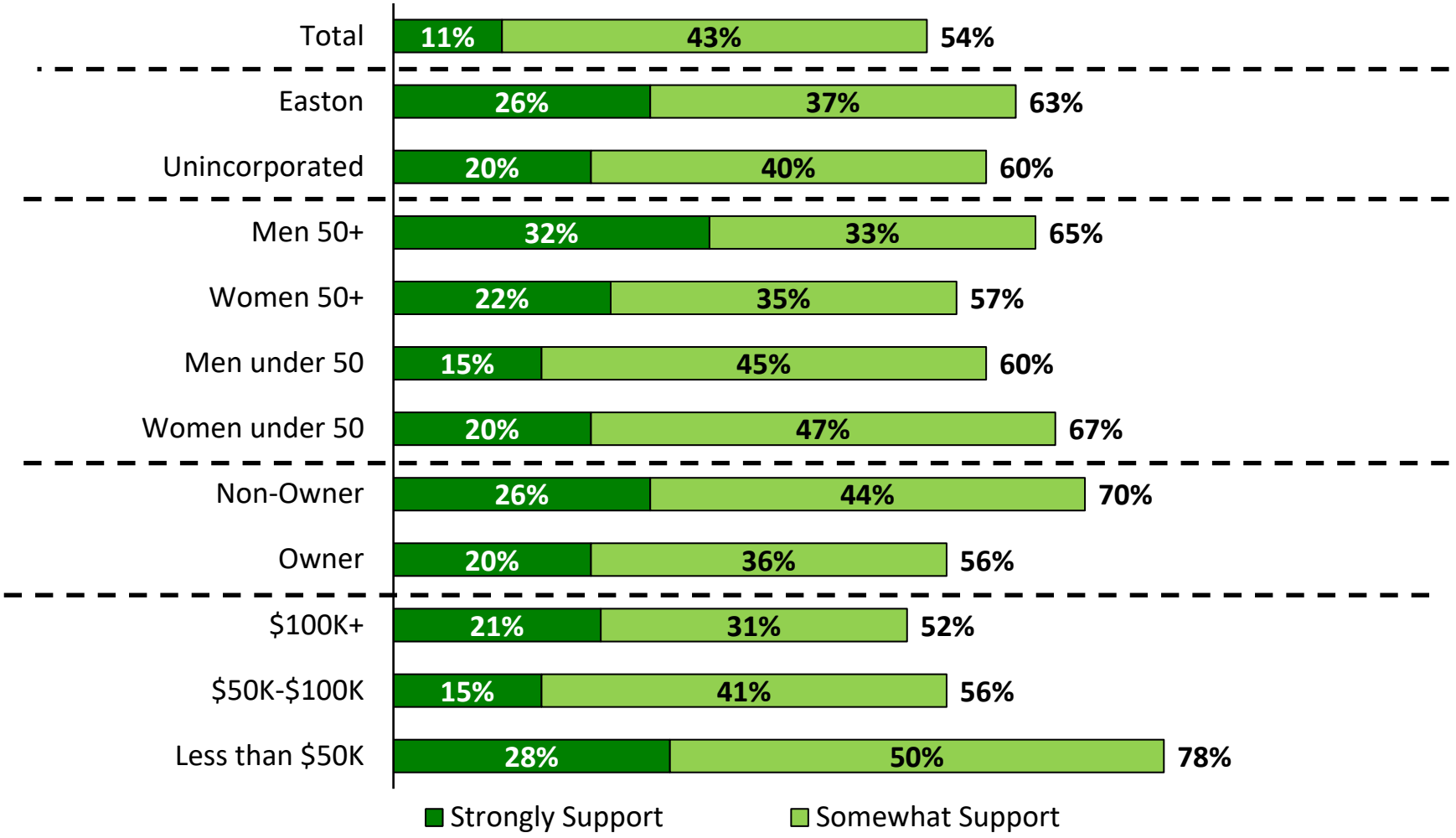


Q.11 Another way to deal with the housing issue in Talbot County is to expand the Easton town limits to include vacant county land near existing town boundaries. This would increase the amount of land available for housing opportunities. Do you generally (ROTATE) support or oppose allowing the Town of Easton to annex unincorporated land from Talbot County?

Majority of Residents Support Annexation

Highest among younger women, non-property owners, lower income, Easton residents

Town of Easton Annexation By Region, Gender/Age, Homeownership Status, and Income



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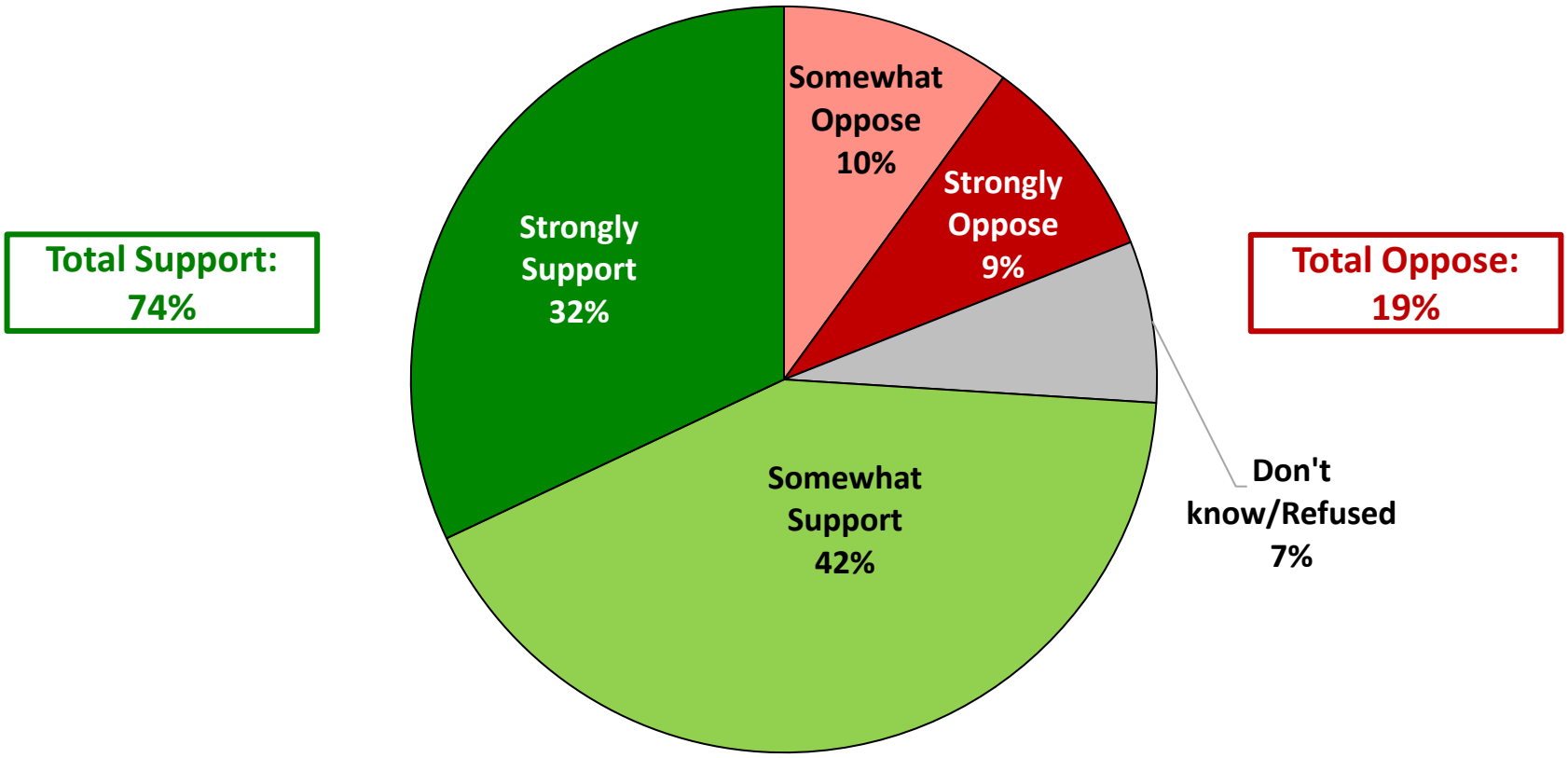
Vast Majority Support Infill Development

A plurality approve while lacking intensity

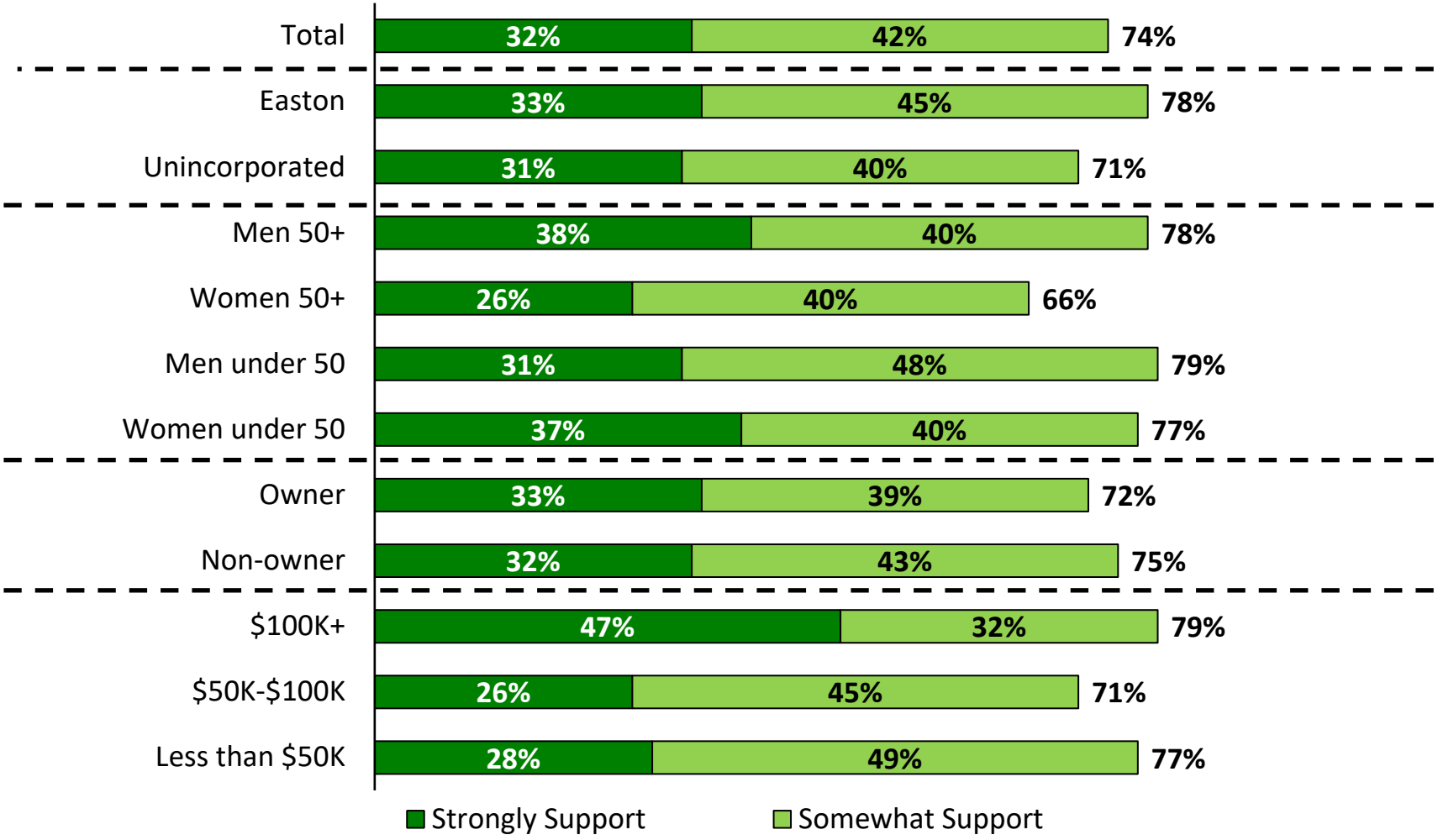
Views on Infill Development in the Town of Easton



Q.12 Another way to deal with the housing issue in towns and villages is to make use of something called infill development, which converts vacant lots and decaying properties into homes and businesses. (PROMPT) In general, do you (ROTATE) SUPPORT or OPPOSE the use of infill development in the Town of Easton?

Easton Residents, Men, Higher-Income Households Most Supportive of Infill Development

Support for Infill Development
By Region, Gender/Age, Homeownership, and Income



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National Association of REALTORS®

Talbot County, MD
Smart Growth
July 2022

American Strategies designed and administered this telephone survey conducted by professional interviewers. The survey reached 325 adults, age 18 or older, who indicated they were registered to vote in Talbot County, Maryland. The survey was conducted July 18-21, 2022.

Sixty-eight percent of respondents were reached on wireless phones, six percent on VOIP phones, and twenty-seven percent on landlines. Quotas were assigned to reflect the demographic distribution of Talbot County, Maryland. The sample was drawn from a third-party vendor file. The overall margin of error is +/- 5.4%. The margin of error for subgroups is larger and varies.
Percentage totals may not add up precisely due to rounding.

AMERICAN STRATEGIES

Comparison of the Town of Easton's Draft Inclusionary Housing Ordinance with other jurisdictions

	EASTON	QUEEN ANNE'S COUNTY	ANNAPOLIS	MONTGOMERY COUNTY	FREDERICK	LOUDOUN COUNTY, VA
Name	Inclusionary Housing Ordinance (Draft)	Moderately Priced Dwelling Unit Program	Moderately Priced Dwelling Unit Program	Moderately Priced Dwelling Unit Program	Moderately Priced Dwelling Unit Program	Affordable Dwelling Unit Program
Applicability	1. New construction or substantial rehabilitation: 5 or more units. 2. Adaptive reuse or nonresidential to residential conversion: 10 or more units.	1. Inside of growth areas: 20 or more lots or units. 2. Outside of growth areas: 60 or more lots or units.	Development or redevelopment of 10 or more dwelling units.	Residential developments of 20 or more units at one location.	1. Residential development projects of 25 or more units. 2. Mixed-use projects with a residential component of 25 or more units.	Sites that are served by public water and sewer and which yield 24 or more units at an equivalent density greater than one unit per forty thousand square feet.
Exemptions (Excluding Grandfathered Applications)	Accessory Dwelling Units are exempt from the provisions.	Not included in the legislation.	1. The conversion of a residential rental property to a condominium property if the condominium was registered with the Secretary of State prior to March 13, 2006.	Not specified in the legislation.	1. Development projects undertaken by the City. 2. Projects undertaken by a nonprofit housing development organization or a continuing care retirement community if at least 12.5% of the persons renting or purchasing units would be considered eligible to buy or rent an MPDU.	1. Multi-family dwellings of four stories or more with an elevator. 2. Applications which deal exclusively with issues of: building relocation, site access, stormwater drainage, or other engineering or public facility issues; the preservation of historic structures; wetlands; child care facilities; or changes in the size of units, a reduction in the number of units, or which request the addition of a non-residential special exception use.
Required Minimum Percentage of Inclusionary Units	10%	10%	Proportionate to the approved development density and is a variable percentage that is not less than 15%.	1. 15% where at least 45% of the census tracts in the planning area have a median household income of at least 150%. 2. 12.5% for any other planning area. 3. The percentage is inclusive of the increased units from the optional density provisions (bonus density).	1. 12.5% 2. The Council may establish a higher base requirement, up to 15%, as part of a master plan approval.	1. SFD & SFA: 12.5%, inclusive of the density bonus units. 2. MF: 6.25%. 3. The percentage is inclusive of the increased units from the density bonus.
Eligibility	100% of the Talbot County MFI, adjusted based on Easton's MFI. For-Sale units: 50% units required for median income households (up to 80% MFI) and the remainder to moderate-income households (up to 100% MFI). Rental Units: 50% units required for very low-income households (up to 50% MFI) and the remainder to low-income households (up to 60% MFI).	1. 80% of MHI. 2. Must not have owned any residential property during the previous five years.	1. 100% or less than the Baltimore MSA MFI, adjusted for family size. 2. City resident or employed by the City within the past 12 mos.; employee of the City; City public school teacher or staff member; employee of the Naval Academy; resident of the County and is under a disability.	1. Garden Apartment or High-Rise Rental: 65% of the AMI. 2. Purchase or High-Rise Rental: 70% of the AMI. 1. Members of a household must not have owed any residential property during the previous 5 years (may be waived for good cause).	1. 30% to 80% of the Washington MSA median household income. 2. Priority given to persons who first live within the City, then second, work within the City.	1. For-sale units: 30%-70% of Washington MSA median income. 2. Rental units: 30%-50% of Washington MSA median income.

	EASTON	QUEEN ANNE'S COUNTY	ANNAPOLIS	MONTGOMERY COUNTY	FREDERICK	LOUDOUN COUNTY, VA
Control Period	1. For-sale units: 20 years. 2. Rental Units: 30 years.	1. For-sale units: 15 years. 2. Rental units: 25 years. 3. Covenants recorded in the County land records. 4. Units sold during the control period reverts to a new control period.	1. For-sale units: 30 years. 2. Rental units: 99 years. 3. Units sold during the control period reverts to a new control period.	1. For-sale units: 30 years. 2. Rental units: 99 years. 3. If a for-sale unit is sold within 30 years after its original sale, the unit must be treated as a new sale and a new control period must begin on the date of the sale. 4. MPDU Agreement recorded in the land records is required.	1. 30 years. 2. MPDU Agreement is recorded in the land records of Frederick County with assurance that the City may create a lien to collect a portion of the sale price or the foreclosure sale price that exceeds the approved resale price.	
Cash-In-Lieu	Permitted, with approval by the Town Council and based on specific considerations, for the adaptive reuse or nonresidential to residential conversion of 10 or more units.	Permitted based on specific PC findings (dedication is impractical based on site physical characteristics, public benefits outweigh the benefits of constructing on site, etc.).	Not permitted.	1. Developments between 11 and 19 units require a payment to the Housing Initiative Fund. 2. An alternative payment agreement may be approved by the Director instead of building some or all of the required for-sale units with the funds placed in the Housing Initiative Fund and upon specific findings.	1. Permitted for all or a portion of the required units. 2. The density bonus cannot be applied if payment is made in lieu of building the units.	Permitted for developments which contain only SFD units.
Cash-In-Lieu Fees	Initially established by ordinance as flat fees based on the average market rate unit price (range = $3,000 to $7,500), as amended by the Council. The draft ordinance gives the Town Council the ability to establish fees through alternative calculation methods.	Difference between median price of same size units sold in the prior year and maximum allowable price of an MPDU unit.	Not permitted.	The payment in lieu of satisfying all the required units is 3% of the sale price of each market rate unit in the development. A payment made in partial satisfaction of the required units is adjusted based on the percentage of required units provided.	$16,100 per unit.	100% of the construction cost of a prototypical SFD affordable dwelling unit based on the number of bedrooms provided within the predominate market rate units in the development. The cash in lieu fee is adjusted by the CPI at the time the actual contribution is transferred to the County.
Other Alternatives	1. Build off-site and sell one and one-half the required number of units. 2. Purchasing land in the County and donating to a qualified housing organization to build one and one-half the required number of units. 3. Consideration given for other unique or innovative proposals.	1. Off-site option approved by PC based on access to public amenities and surrounding density and land use compatibility. 2. Donations of on-site or off-site land if the land is suitable for construction. The value of the land must be equal to or greater than the value of the fee-in-lieu payment.	The design, construction, pricing or amenity package may be eliminated or modified by the Department of P&Z if it lessens the eligibility of eligible persons to qualify.	1. Allows an applicant to build high-rise units at another location. 2. Allows an applicant to transfer land to the County if the value transferred is at least equal to the value of the units not constructed by the applicant. The land must be used to produce or preserve moderately-priced units or can be sold with the funds allocated to the Affordable Housing Acquisition and Preservation CIP portion of the Housing Initiative Fund. 3. If a waiver of impact fees is granted, the applicant cannot propose an alternative compliance.	Government or non-profit agencies may buy or lease up to 20% of the units as they become available.	1. The percentage of affordable units, density bonuses, and phasing requirements can be modified upon approval by the Board of Supervisors based on specific criteria but the affordable units can be no less than 5%. However, the ratio of affordable units proposed to the total density increase is no less than 12.5:20% for SFD and SFA and 6.25%/10% for MF. 2. The Board of Supervisors may approve a combination of affordable dwelling units, land, or contributions equivalent to providing the required number of affordable units.

	EASTON	QUEEN ANNE'S COUNTY	ANNAPOLIS	MONTGOMERY COUNTY	FREDERICK	LOUDOUN COUNTY, VA
Incentives (Including Density Bonuses)	1. Density bonus of 20% from the base zoning district density limits. 2. The developer can receive up to a 20% relief from bulk requirements and parking standards. 3. For adaptive reuse and nonresidential to residential conversion: a) Impact fee subsidies from the Housing Fund b) Reduction in capital charges. c) Real property tax abatement for developers that provide at least 20% inclusionary units.	1. Density bonus of 10%. 2. County Commissioners may subsidize, adjust, or exempt impact fees.	1. For-sale units: 15% density bonus. 2. Rental units: 10% density bonus. 3. The P&Z Director can provide up to 20% relief from bulk, parking, and loading development standards.	1. Optional density bonus provisions are allowed in certain zoning districts. The optional density provisions permit additional building types and more flexibility in dimensional standards other than those allowed under the standard method of development when units are provided above the minimum required. Ex: In a residential detached zone, an applicant who voluntarily provides at least 12.5% units in a development with 20 or fewer dwelling units may use the optional method development standards Ex: In Commercial/Residential zones (mixed-use), the Floor Area Ratio (FAR)\ for residential density can be increased for increases in units above 12.5%. If 100% of the units are inclusionary, the total FAR (nonresidential and residential) is exempt from limits provided the maximum residential density does not exceed 2.5 FAR	1. A sliding scale density bonus is allowed if the developer constructs more than the minimum required of units, but no more than 22% over the maximum density.	1. SFD & SFA - 20% density bonus. 2. MF - 10% density bonus. 3. Maximum 90-day review time for final site plans, preliminary subdivisions or record plats. 4. Application fee waivers for developments where the applicant proposes a Concept Development Plan Amendment only in order to provide affordable dwelling units which are otherwise exempt. 5. Review of final site plans, preliminary subdivisions, or record subdivision plats processed within 90 days provided that such plans and plats substantially comply with all ordinance requirements when submitted (time does not include the applicant's time for revisions or modifications).
Maximum Sales Price	See examples included in the Council's packet.		Set annually and assumes market rate interest with no more than 30% of the annual gross household income applied towards the cost of housing.	The sale price, including closing costs and brokerage fees, must not exceed an applicable maximum sale price established from time to time by the County Executive.	Established by the Board of Alderman and adjusted periodically based on the CPI percentage change.	The sales prices for affordable housing units provided shall be in accordance with the rules and regulations governing such programs.
Maximum Rent	See examples included in the Council's packet.		Rental rates are recalculated yearly and capped at 100% of HUD's fair market rents if the property owner pays all utilities, and at 80% of fair market rents if the property owner does not pay all utilities.	1. The rent for any unit, including surface parking but excluding utilities when they are paid by the tenant, must not exceed a maximum rent for the unit set by regulations. 2. Different rents must be set for units when utility costs are paid by the owner and included in the rent. 3. Different rents may be set for age-restricted units. 4. Different rents also may be set for high-rise rental units.	Established by the Board of Alderman. Two different rates based on whether the renter pays utility costs. Rates include parking.	The rents for affordable housing units provided shall be in accordance with the rules and regulations governing such programs.
Resale Restrictions	A subordinate shared appreciation loan agreement is required at the time of closing in favor of the Town	Cannot be resold for a price greater than the original selling price plus a percentage of the selling price based	The initial difference in value between the purchase price and the real market value is paid to the City unless the	A purchase and sale agreement and any deed or instrument conveying title must acknowledge that the owner	Sales during the control period: Cannot be resold for a price greater than the original sales price plus a	Not specified in the legislation.

	EASTON	QUEEN ANNE'S COUNTY	ANNAPOLIS	MONTGOMERY COUNTY	FREDERICK	LOUDOUN COUNTY, VA
	of Easton. Net proceed rules will need to be established.	on the CPI, value of improvements, and allowance for closing costs. Sales after the control period: If the resale price exceeds the sum of the above, the seller contributes to the County Housing Fund 50% of the difference, which can be adjusted so the seller retains at a minimum $10,000.	purchaser owns and occupies the unit for at least 30 years; the seller keeps the net proceeds.	cannot sell the property until they have notified the Department that the unit is for sale, the Department has notified the owner they do not intend to buy the unit, and the Department has notified the owner of the maximum resale price. When a deed or other instrument conveying title to an MPDU is recorded in the land records, the grantor must cause to be filed in the land records a notice of sale for the benefit of the County in the form provided by state law. Resale requirements during the control period and first sale requirements after the control period are similar to Frederick's provisions.	percentage of the unit's price based on the CPI, fair market value of improvements, allowance for closing costs, and a reasonable sales.commission Sales after the control period: If the resale price exceeds the sum of the above, the seller contributes to the City Housing Fund 50% of the difference, which can be adjusted so the seller retains at a minimum $10,000.	
Eligible Housing Fund Expenditures	Not included in the draft legislation.	Not Specified in the legislation. The Housing Department provides grants or loan funding for housing rehabilitation and emergency home repair and manages the Critical Workforce Mortgage Program.	Housing trust funds are used for the following: 1. Purchase land or buildings for other affordable housing to persons that meet the eligibility criteria 2. Contribute to settlement expense, down payment, and mortgage write-down assistance to eligible persons or households 3. Construct for-sale units 4. Purchase and/or rehabilitate rental housing for conversion to home ownership 5. Rehabilitate residential units 6. Match other state or federal housing programs 7. Pay for administrative costs 8. Contract with nonprofit developers for development of housing units for sale 9. Grant rental assistance to eligible persons or households.	Housing Initiative Fund payments cannot be used to reduce the annual county payment to the fund, must be deposited in the Affordable Housing Acquisition and Preservation CIP, and must be used only to buy, build, or preserve more units in the same planning area as the development for which the payment was made (unless the payment is used in a Planning Area where at least 45% of the census tracts have a median household income of at least 150% of the County-wide median household income or the Director provides the Council with a notice of intent to use the payment in a different planning area).	Used for the following: 1. Offset the costs of operating the program. 2. To purchase and resell or rent the unit. 3. Address the affordable housing needs of low-income and special populations that don't qualify or may require supportive or service-enriched housing. 4. Provide homebuyer education, delinquency, and default counseling 5. Provide grants for the modification of units to promote accessibility. 6. Provide grants for the modification of units to promote energy efficiency and conservation. 7. Provide emergency loans to buyers to prevent mortgage defaults. 8. Address health and life safety hazards in owner-occupied housing.	Cash in lieu fees are placed in the Loudoun County Housing Trust Fund.
Management	TBD	Housing Department. The department maintains an eligibility list and certifies eligibility, including a	Department of Planning and Zoning, Division of Community and Economic Development. Staff grant and monitor	Department of Housing and Community Affairs. The Department maintains a list of eligible households.	Frederick Community Action Agency. The CAA maintains a list of eligible persons.	1. Department of Family Services. 2. Affordable Dwelling Unit Advisory

	EASTON	QUEEN ANNE'S COUNTY	ANNAPOLIS	MONTGOMERY COUNTY	FREDERICK	LOUDOUN COUNTY, VA
		completion of home ownership counseling. Points are awarded based on waiting time on the eligibility list, county residency, employment in the county, and qualification as a Critical Workforce Employee (emergency responders, law enforcement, and teachers). Department annually monitors the occupants of rental units.	certificates of eligibility.	The Executive by regulation establishes a buyer and renter selection system which considers household size, County residency, employment in the County, and length of time since the household was certified for the program. Eligible households will be notified when units are available for sale or rent and will be given an opportunity to buy or rent a unit during a 90-day priority marketing (60-day for resale price or renter vacancy) period in the order of their selection priority ranking.		Board.

Source: Department of Planning and Zoning, Town of Easton, MD

Date of Meeting: February 6, 2023

PLANNING COMMISSION
INFORMATION ITEM

SUBJECT: **Draft Inclusionary Zoning Ordinance**

WARD DISTRICT: Townwide

STAFF CONTACT: Miguel Salinas, Director, P&Z

PURPOSE: To discuss the components of a draft Inclusionary Zoning Ordinance (Attachment 1).

BACKGROUND:
According to the annual Income Limits Summary published by the United States Department of Housing and Urban Development (HUD), the FY 2023 Median Family Income (MFI) for Talbot County is $107,900.[1] The County's MFI is 16% higher than the average MFI for the eastern shore of Maryland (excluding Cecil County) and second only to Queen Anne's County.

HUD sets income limits that determine eligibility for assisted housing programs including the Public Housing, Section 8 project-based, Section 8 Housing Choice Voucher, Section 202 housing for the elderly, and Section 811 housing for persons with disabilities programs. HUD's Income Limits Summary Table for Talbot County (Table 1 below) includes income limit categories based on the MFI for Low Income, Very Low Income, and Extremely Low Income categories adjusted for family size.

Table 1: Talbot County Median Family Income and Income Limits Summary[2]

FY 2023 Income Limit Area	Median Family Income Click for More Detail	FY 2023 Income Limit Category	Persons in Family							
			1	2	3	4	5	6	7	8
Talbot County, MD	$107,900	Very Low (50%) Income Limits ($) Click for More Detail	36,200	41,400	46,550	**51,700**	55,850	60,000	64,150	68,250
		Extremely Low Income Limits ($)* Click for More Detail	21,700	24,800	27,900	**31,000**	35,140	40,280	45,420	50,560
		Low (80%) Income Limits ($) Click for More Detail	57,900	66,200	74,450	**82,700**	89,350	95,950	102,550	109,200

[1] This number is calculated using the 5-year 2017-2021 American Community Survey MFY estimate ($96,226) with an inflation factor adjustment based on the cumulative change in the national Consumer Price Index.
[2] Source: Department of Housing and Urban Development, Office of Policy Development and Research

Based on a brief analysis, staff concludes that the limited supply of market-rate homes for sale and apartments for rent in and around Easton are not attainable to a large percentage of our workforce. Below are two examples.

Example 1: A family of four making 80% of the MFI should spend no more than 30% of their monthly income on housing.[3] The current median price of a new or existing home for sale in the Town of Easton and its immediate area is $474,000.[4] Assuming a 3% down payment at an interest rate of 6.67% on a thirty (30) year, fully amortizing fixed rate mortgage, the total monthly mortgage payment (Principal and Interest only) is $2,957[5]. In comparison, a family of four in Talbot County making 80% of the Easton MFI ($79,164) can have a monthly affordable mortgage payment of $978 without being cost-burdened;[6] or a home at an affordable sales price of $181,500.

Example 2: A physical therapy assistant with an associate degree making approximately $54,000 per year can have a monthly affordable rental rate of $1,310[7]. However, available apartments at that rate are severely limited. A recent search on the real estate website zillow.com does not list any home for rent under that price. The website apartments.com lists only Chatham Village Apartments offering a 1-bedroom starting at $1,200 per month. For a graphic designer making $45,000 per year or a restaurant cook making $32,000 per year (less than 50% of the MFI, defined by HUD as very-low income), there are virtually no attainable market-rate apartments or homes on the market available for rent.[8]

There are also no opportunities for attainable housing in the unincorporated areas of Talbot County. The County's comprehensive plan places high value on the protection of the shoreline, waterway, and agricultural lands, equally important goals as attainable housing. The County's plan to accomplish this is twofold: restrict the extension of sewer outside of development and growth areas that surround the towns and to take a restrictive approach toward the use of land over which it has zoning authority.[9] To implement these objectives, the County's zoning regulations prohibit all housing types except single-family; the zoning districts are characterized as very low density; and the bulk requirements for each lot include large minimum lot sizes and low maximum lot coverage requirements. The end effect is housing segregation due to the cost of land and development supporting only higher-end housing in the unincorporated areas of

[3] The 30% is adjusted for property taxes, HOA fees, mortgage insurance premiums, utility costs, and an allowance for typical maintenance and repairs.
[4] The median was based on a recent search by staff on the real estate market website zillow.com.
[5] The interest rate is based on the Freddie Mac Weekly Mortgage Survey. A more typical 10% down payment results in a monthly mortgage payment of $2,744.
[6] The monthly affordable mortgage payment is based on 30% of a family of four making 80% of the MFI, after subtracting utility costs, real property taxes, mortgage insurance premium and a maintenance and repair allowance. Utility costs are derived from the Talbot County Housing Commission's average monthly utility allowance of housing choice voucher recipients; the property tax is based on a standard factor of 1.243 of the market price of the unit; and the maintenance and repair allowance is based on a 3-bedroom home at $25 per bedroom.
[7] The monthly affordable rental rate is based on 30% of a family of one making 80% of the MFI.
[8] Wages are based on the 2021 Maryland Occupational Employment and Wage Estimates.
[9] This policy is overridden for failing septic systems.

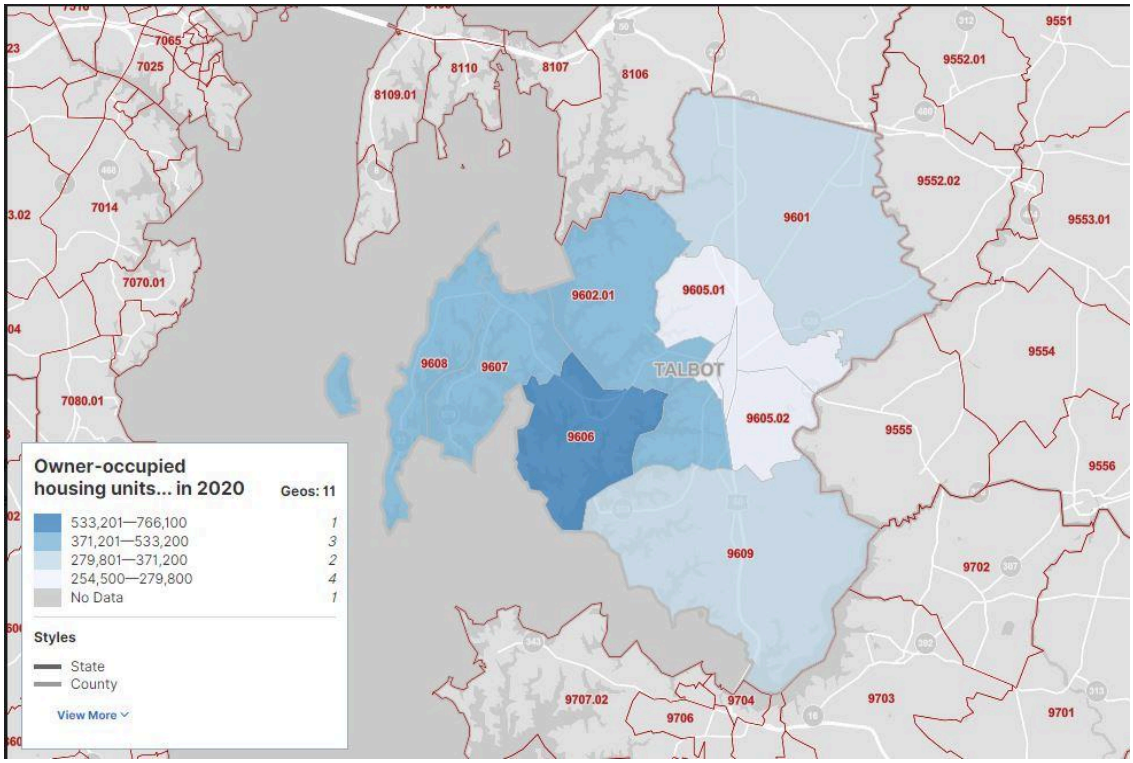
Talbot County. And as the graphics show below, housing segregation is the door to other types of segregation (see Graphics 1, 2, and 3 below).

As for the remaining towns outside of Easton, there are extremely limited areas for future growth and development adjacent to Oxford and St. Michaels. While Lakeside at Trappe, the new development in the Town of Trappe, will eventually provide approximately 2,500 homes, the approval of the Planned Unit Development by the Town of Trappe did not require any proffers for affordable or workforce housing.

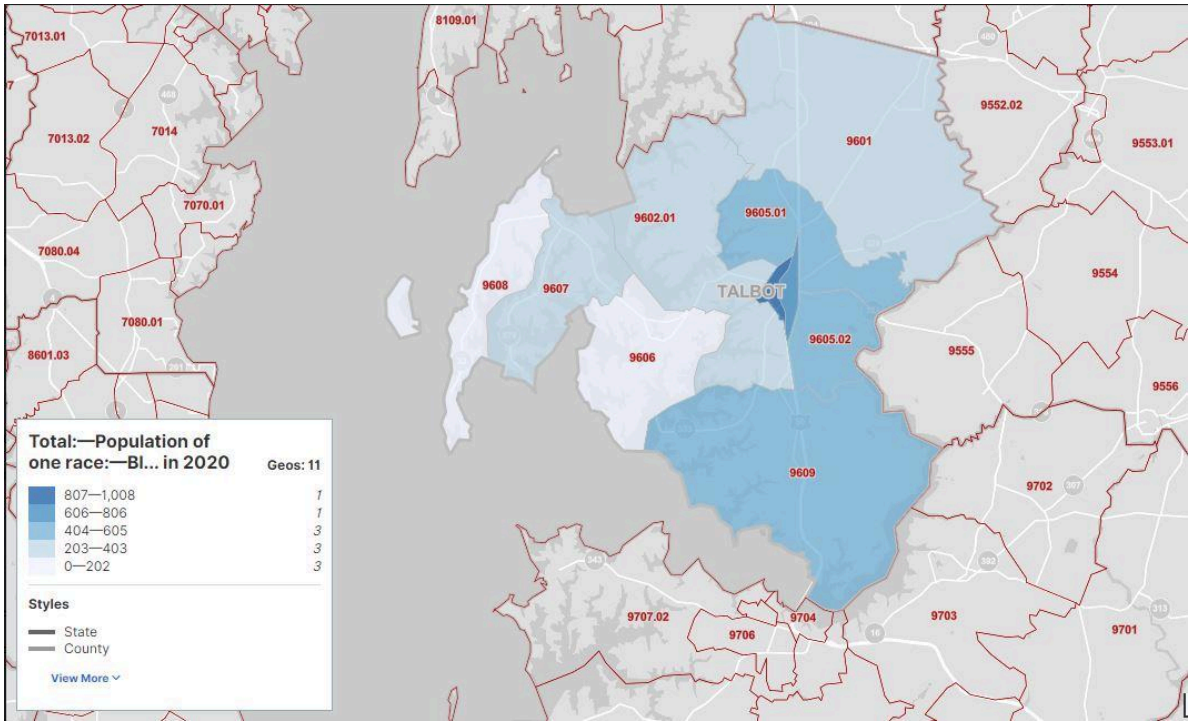
The Town of Easton is in the forefront of the current zoning reformation movement by adopting options and incentives for middle housing, such as triplexes, fourplexes, courtyard homes, cottage courts, and mansion apartments. However, infill options are currently limited. Habitat for Humanity Choptank has indicated that in 2024, the housing organization will run out of land to develop in Easton; the lots are too expensive to fit their model, with this occurring even though they receive 65 to 70 calls per month from people inquiring about eligibility. Where there is potential for infill development, private developers have to provide market rate housing to cover their costs due to limited density potential stemming from regulatory, infrastructure and site constraints (for example: historic district guidelines, limited space for off-street parking) and neighborhood opposition. Attainable housing opportunities in Easton from new greenfield developments are limited; the Town Code does not require attainable housing commitments from new development unless it's proffered from the developer.

The cumulative result of market forces, limited supply, and exclusionary zoning is that much of Easton's workforce has no choice but to live outside of Talbot County and commute into the Town of Easton for their jobs, primarily from Caroline and Dorchester Counties where housing is more affordable.

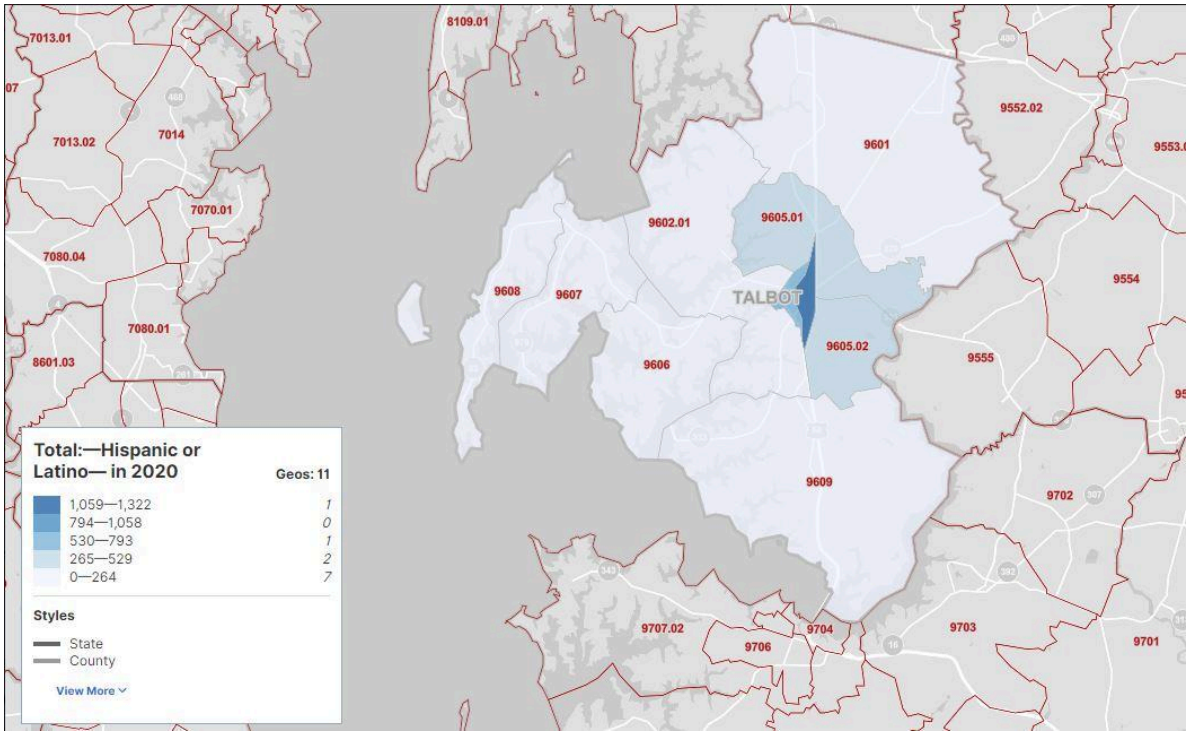
Graphic 1: Talbot County Median Value of Owner-Occupied Housing Units in 2020 by Census Tract



Graphic 2: Talbot County Black Population by Census Tract



Graphic 3: Talbot County Hispanic Population by Census Tract



Talbot County Smart Growth Survey

The lack of attainable housing is a concern to County residents. American Strategies, sponsored by the National Association of Realtors with support provided by the Mid-Shore Board of Realtors, designed and administered a telephone survey in June of 2022. The survey reached 325 adults, age 18 or older, who indicated they were registered to vote in Talbot County, Maryland (see Attachment 2 for a summary of their survey results).

The results of the survey indicated that residents are satisfied with their quality of life and they value the historic nature of Talbot's towns and villages and its natural resources, but they understand the need for additional housing – and in particular for more affordable housing for young people and those with lower incomes. Specific highlights are below:

- Residents are concerned about the County's affordable housing, where 51% say "creating more housing that is affordable to low and middle-income people" is a top priority
- A majority of Talbot residents consider the county's stock of available housing to be a "fairly big" or "very big" problem (60%)." Similarly, 66% consider housing affordability to be a problem in the county
- Looking at specific sectors of Talbot's housing market, 68% of residents believe there is too little housing for people with low incomes and for younger people who are just starting their careers. 60% also believe there to be too little housing for people who work in retail and service jobs, with the same number saying there are too few units available to rent full-time
- Talbot County residents are broadly supportive of government-led proposals to increase housing opportunities for the county
    - 67% percent of residents favor a proposal that requires developers to set aside sub-market rate housing for new projects and 62% favor providing tax breaks to developers who do so
    - Slightly smaller majorities are favorable toward proposals that change zoning laws to ease the process of building multi-family units (57%), and proposals that reduce government fees and regulatory barriers for builders (56%)

Draft Inclusionary Housing Ordinance

§ 3-114 of the Annotated Code of Maryland requires a housing element in comprehensive plans that addresses the need for affordable housing within a local jurisdiction, including for workforce and low-income housing. The law further states that local jurisdictions have a duty to affirmatively further fair housing through their housing and other programs and that the housing element of a comprehensive plan enacted or amended on or after January 1, 2023 include an assessment of fair housing to ensure that the local jurisdiction is furthering fair housing.[10]

[10] "Affirmatively further fair housing" means to take meaningful actions, in addition to actions aimed at combating discrimination, to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to housing and opportunity based on protected characteristics. It also includes to take meaningful actions that, taken together: (i) address significant disparities in housing needs and access to opportunity; (ii) replace segregated living patterns with truly integrated and balanced living patterns; (iii) transform racially and ethnically concentrated areas of poverty into areas of opportunity; and (iv) foster and maintain compliance with civil rights and fair housing laws.

In addition to any other zoning and planning powers granted by the State of Maryland, § 7-401 of the Annotated Code of Maryland expressly gives a local legislative body the authority to enact local laws that:

1) impose inclusionary zoning, and award density bonuses, to create affordable housing units; and
2) restrict the use, cost, and resale of housing that is created under this authority to ensure that the purposes of affordable housing are carried out.

Thus inclusionary zoning is one land use regulatory tool that can be used to further fair and attainable housing policies in local jurisdictions. Inclusionary zoning refers to zoning ordinance requirements that new residential development must include a percentage of its units to be built to accommodate affordably priced dwelling units, either for rental or home ownership. The control period, or time in which the units must remain available to households below a certain income level, typically varies from 20-99 years depending on ownership versus rental unit type.[11] Several Maryland jurisdictions have passed inclusionary zoning ordinances, including the counties of Montgomery and Queen Anne's, and the cities of Annapolis, Frederick and Baltimore.

Given the many challenges that the Town of Easton and Talbot County face in the provision of attainable housing, the adoption of an Inclusionary Zoning Ordinance for the Town of Easton is one way to respond to the crisis and add another tool in the toolbox of fair, equitable and affordable housing efforts currently undertaken by the Town.

The Inclusionary Zoning Ordinance for Council consideration was drafted after a review of existing ordinances in the Maryland jurisdictions of Annapolis, Queen Anne's County, and Montgomery County and in Loudoun County, Virginia and East Palo Alto, California.[12] Staff also consulted with Maryland Affordable Housing Coalition, the Virginia Housing Alliance, and the National Low Income Housing Coalition during the drafting of the ordinance. The Chair of the Easton Affordable Housing Board also reviewed the draft ordinance prior to Council distribution. The draft was discussed at three Town Council workshops in 2023[13]. Subsequent to the July workshop, the Council agreed to staff coordination of a Housing Work Group to review the draft Inclusionary Zoning Ordinance discussed at the three Council work sessions last year.

The work group included Council Members Maureen Curry and Rev. Elmer Davis, Mayor Megan Cook, Town Manager Don Richardson, Town Attorney Sharon VanEmburgh, Miguel

[11] Maryland Department of Planning, Common Practices and Examples: https://planning.maryland.gov/Pages/OurWork/housing-element-mg/common-practices.aspx

[12] Loudoun County was chosen for its location outside of Maryland and its similarity to Fairfax County, Virginia's and Montgomery County, Maryland's inclusionary housing ordinances. East Palo Alto, California was chosen because of its unique approach the provisions and management of their program; an example of a response to California's Housing Element Law, enacted in 1969, that required that all local governments adequately plan to meet the housing needs of everyone in the community; and as a response to exclusionary zoning and severe shortages of affordable housing combined with a reduction of federal housing subsidies. Over 170 California jurisdictions have inclusionary housing ordinances on the books.

[13] The workshops were held on February 6, February 20, and July 17.

Salinas and Lynn Thomas from Planning and Zoning, Holly Dekarske from the Easton Economic Development Corporation, and Jim Bent from the Affordable Housing Board. The Housing Work Group met five times since July of last year and their work resulted in changes to the initial draft.

The updated draft is now ready for Planning Commission review and a recommendation to be forwarded to the Council prior to any introduction of legislation.

Below are brief descriptions of each section of the draft ordinance:

Section 1601: Purpose
Section 1601 acknowledges the housing problem in Easton due to rapidly increasing property values and the reduction in the availability of housing choices. The section also affirms the Town's commitment to addressing the issue, its commitment to a diverse and balanced community and the impact of an inadequate supply of attainable housing to attract and retain employers and maintain an adequate workforce.

Section 1602: Definitions
Section 1602 contains definitions of terms used in the draft ordinance. The Section establishes definitions for affordable rental rates and monthly affordable mortgage payments and establishes definitions for Very Low-Income (0-50% MFI), Low-Income (up to 60% MFI), Median-Income (up to 80% MFI), and Moderate-Income Households (up to 100% MFI). Note that the definition of Median Family Income states that the annual County MFI published by HUD will be adjusted each year by the Affordable Housing Board based on the Town of Easton's median income.

Section 1603: Intent
Section 1603 establishes the intent of the ordinance; namely to provide attainable housing, mitigate the impact of market rate housing on attainable housing due to limited supply, and promote the integration of attainable housing with market rate housing.

Section 1604: Authority
Section 1604 cites the section of the Annotated Code of Maryland that gives the authority to local jurisdictions to enact inclusionary housing regulations and award density bonuses to further attainable housing.

Section 1605: Applicability
Section 1605 establishes that the regulations apply to all residential developments which are the subject of a development site plan, preliminary plat, or building permit, whichever comes first.

Section 1606: Exemptions
Section 1606 exempts from the regulations any housing that is developed with less than 15 dwelling units, accessory dwelling units, cartian projects undertaken by housing organizations or a continuing care retirement community, projects undertaken by the Town of Easton, and projects developed under the Low-Income Housing Tax Credit Program.

Section 1607: Inclusionary Zoning Requirements

Section 1607 establishes when a 10% inclusionary zoning requirement is required: when residential development is proposed of 25 or more units for ***new construction*** **or** ***substantial rehabilitation*** of existing structures and when residential development is proposed of 30 or more units for ***adaptive reuse*** or the ***conversion of a nonresidential use to a residential use***. This difference is to recognize the potential increased costs for adaptive reuse, infill development, and redevelopment.

Below are additional elements of Section 1607:

A. When inclusionary zoning is required for residential developments that include for-sale units, the for-sale Inclusionary Units are targeted towards median-income and moderate-income households. When Inclusionary Units are required for residential developments that include rental units, the rental Inclusionary Units are targeted towards very low-income and low-income households. The reason for the different target incomes is the assumption that households in the low and very-low income range have more limited resources for down payments and housing costs associated with home ownership besides mortgage payments, including housing repair and maintenance.
B. If only one Inclusionary Unit is required, then the homes shall be targeted towards the lower range of household incomes.
C. Fractional units are required to be rounded up to one full unit.
D. Calculations of the required number of units are based on the number of units exclusive of any additional units proposed by the developer under the density bonus provisions of the ordinance.
E. Developers cannot circumvent or avoid the Inclusionary Zoning Ordinance requirements by piecemealing or phasing developments.
F. Provisions are outlined for the tracking of the required Inclusionary Units for each building permit application submitted.
G. Developments that propose between 15 and 24 new dwelling units for new construction or substantial rehabilitation, or between 15 and 29 new dwelling units for redevelopment, are not required to build Inclusionary Units; they are required to pay a Cash In Lieu Fee.

Section 1608: Inclusionary Zoning Incentives

Section 1608 establishes incentives for the developer. These incentives include:

A. For residential developments that require Inclusionary Units on the same site, the developer may receive up to a 20% density bonus above the maximum density allowed in the residential base zoning district (A-1, R-7A, R-10A, R-10M, CB, MXW).[14]
B. If all required Inclusionary Units are provided on the same site, the developer may receive a variance of up to 20% from the dimensional requirements (lot size, lot frontage, lot coverage, height, and setbacks) without having to receive approval from the Board of Zoning Appeals. The developer may also receive a 20% modification from the parking requirements. The flexibility is provided to accommodate more units on the site when the developer chooses to utilize the density bonus.

[14] Planned Unit Development, which is a discretionary floating district, may already allow for higher densities: 16 dwelling units per acre for PUD-General, 60 dwelling units per acre for PUD-Infill, and 30 dwelling units per acre for PUD-Redevelopment. The Planned Redevelopment Overlay District permits a density of up to 40 dwelling units per acre.

C. Projects shall receive: 1) a cash subsidy from the Affordable Housing Fund for the deferral of impact fees, provided the funds exist, and 3) a real property tax abatement if the developer provides at least double the number of Inclusionary Units than what is required in the Inclusionary Zoning ordinance.[15]
D.

Section 1609: Alternative Compliance Options

Section 1609 provides alternative compliance options, including:

A. Partnering with a qualified housing organization to build on-site Inclusionary Units or to partner with such organization to build off-site units within the Town limits provided the number of units provided is one and one-half times the required number of units. The preference is for the developer to provide the Inclusionary Units onsite so housing segregation is minimized, thus the one and one-half times the required number of units.
B. Purchasing land within the Town or the growth area and donating it to a qualified housing organization to build the aforementioned one and one-half number of required units.
C. For adaptive reuse or conversion of nonresidential to residential, when 30 or more dwelling units are proposed, the developer may provide a Cash In Lieu Fee, which would be based on the fees initially established by the Town Council.

Proposed off-site construction or Cash In Lieu Fees would be subject to certain conditions. The in lieu fees will be updated by the Affordable Housing Board on an annual basis, after the revised fees are approved by Town Council Resolution. Projects that choose this option are not eligible for the density bonus.

Section 1610: Inclusionary Housing Plan and Agreement

Section 1610 requires the developer to submit an Inclusionary Housing Plan with their residential development application (site plan, preliminary plat, building permit) for staff review. The plan describes how the development complies with the inclusionary zoning regulations, the Inclusionary Housing Guidelines (see Section 1612 below), and their marketing plan. The plan also describes how they will comply with all applicable fair housing and discrimination laws.

The Inclusionary Housing Agreement is a recorded legal document that ensures that all the requirements of the ordinance are satisfied. The specifics of the agreement are outlined in this section.

Section 1611: Percentage of Affordable Units

Section 1611 reaffirms the calculation of Inclusionary Housing units.

Section 1612: General Requirements for Inclusionary Units

Inclusionary Housing Guidelines are any requirements for implementation and administration of the Inclusionary Housing ordinance, as recommended by the Easton Affordable Housing Board and adopted by the Town Council. Adopted Inclusionary Housing Guidelines may include, but not be limited to, standards for determining household composition; income eligibility and prices

[15] The incentive for real property tax abatement is only available if the Town Council establishes such an abatement program.

for sale and rental of Inclusionary Units; income limit schedules; inclusionary housing costs or carrying charges; design guidelines; provisions of continued monitoring of tenant eligibility; and document templates. Guidelines may also specify the contents of the Inclusionary Housing Plan. The Guidelines are reviewed and updated on a regular basis.

Section 1612 establishes what minimum requirements must be included in the Inclusionary Housing Guidelines adopted by the Town Council..

Section 1613: For-Sale of Inclusionary Units
Section 1613 establishes that guidelines will be established by the Affordable Housing Board for the method of calculation of the selling price of for-sale Inclusionary Units. The section also establishes that: 1) the developer is responsible for the screening and qualification of the initial purchaser of a for-sale Inclusionary Unit, 2) the for-sale Inclusionary Unit must be the primary residence of the purchaser, and 3) the purchaser of a for-sale Inclusionary Unit is required to execute and consent to the affordability restrictions at the settlement of the property.

Section 1614: Rental of Inclusionary Units
Section 1614 establishes that guidelines will be established by the Affordable Housing Board for the method of calculation of the affordable rental rate for the rental Inclusionary Units. The section also establishes that: 1) the developer, property owner, or property manager is responsible for verifying household income eligibility, 2) the Easton Affordable Housing Board is the entity that establishes and updates the Affordable Rental Rate and notifies the property owner or manager of the new rental rates, 3) each residential development containing rental Inclusionary Units is subject to an annual compliance process which is specified in the Inclusionary Housing Agreement, 4) rental Inclusionary Unit tenants are subject to the same conditions of tenancy as other market-rate tenants occupying the same property, and 5) the initial lease term for the rental Inclusionary Unit is for one year.

Section 1615: Marketing of Inclusionary Units
Section 1615 requires the developer to market, rent and sell all Inclusionary Units and must notify the Affordable Housing Board and the Town when the Inclusionary Unit is available at the time the building permit is issued. For rentals, the property owner or manager must provide advance notice to the Affordable Housing Board and Town when there is an impending vacancy. The section also allows the developer to assign these responsibilities to a qualified housing organization.

Section 1616: Continued Affordability Requirements
Section 1616 establishes that all rental Inclusionary Units shall remain affordable for a period of no less than 30 years and that for-sale units shall remain affordable for a period of no less than 20 years. The continued affordability requirement would be embodied in a legally binding agreement, covenants, and/or a deed restriction. The section also gives the Affordable Housing Board an exclusive 30-day option to purchase any Inclusionary Unit when it’s offered for resale. Lastly, the section prohibits subletting or leasing of Inclusionary Units except to allow a

temporary rental of the Inclusionary Unit for good and sufficient cause. Leasing of Inclusionary Units must be approved by the Easton Affordable Housing Board under terms that may be specified in the Inclusionary Housing Guidelines.

Section 1617: Transfer of Development
Section 1617 establishes that all approved covered projects "run with the property" and are subject to the Inclusionary Zoning Ordinance.

Section 1618: Enforcement
Section 1618 refers to an unspecified area of the Town Code for enforcement of the ordinance.

Section 1619: Administration
Section 1619 establishes how Inclusionary Units are tracked on site plans, record final plats, and building permits. The section also requires the Affordable Housing Board to monitor activity under the ordinance and provide a report at least every 2 years to the Town Council.

ISSUES: Developer incentives, including property tax abatement and fee waivers or deferrals fees have definite revenue implications and a cost-benefit analysis is prudent.

Staff will need to identify where the final drafted language is inconsistent with the Town Code and propose revisions as necessary.

FISCAL IMPACT: The draft ordinance requires a significant expansion of time and responsibilities from the Affordable Housing Board, including but not limited to:

- Managing the Affordable Housing Fund
- Establishing the Cash In Lieu Fees and updating the fees on an annual basis
- Developing and updating the Inclusionary Housing Guidelines and document templates
- Developing and updating the design standards for Inclusionary Units
- Updating and annually posting the income eligibility requirements
- Calculating and updating the pricing and rents of for-sale and rental Inclusionary Units
- Monitoring tenant eligibility for rental Inclusionary Units
- Monitoring activity and providing regular reports to the Town Council

The administration of the program will also need dedicated housing staff to assist the Board with their responsibilities, develop and update the program's website, and provide day-to-day management of the program. Maryland jurisdictions that have inclusionary zoning ordinances include Queen Anne's County, which is managed by staff from the Division of Housing and Community Services as part of the Department of Community Services along with other housing programs including homeless assistance and prevention, rental code enforcement, workforce loans, and other special projects. The City of Annapolis inclusionary zoning ordinance is administered by the Office of Community Development under the Community and Economic Development Division. The Office includes a full-time Housing Affordability Specialist. The City of Frederick's inclusionary housing program is administered by their Community Action Agency.

ATTACHMENTS:

1. Draft Inclusionary Zoning Ordinance, February 7, 2024
2. AMSTRAT - MD Talbot County Smart Growth Presentation
3. Inclusionary Housing Comparison table